

U.S. Department of Transportation

Research and Special Programs Administration

***Hazardous Materials Emergency  
Preparedness Grant Program***

**DRAFT**

**Continuation Application Kit  
and Grant Primer**

**Hazardous Materials  
Public Sector Training and Planning  
Grants for States and Territories**

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## **GENERAL GRANT GUIDANCE**

# **HMEP Grant Guidance for States and Territories**

Preparation of Applications for Assistance Under Section 17 of the Hazardous Materials  
Emergency Preparedness

## ***Contents of This Continuation Application Kit***

This document is intended to guide States and Territories in applying for training and planning grants under Hazardous Materials Emergency Preparedness (HMEP). In addition to this general guidance, the application kit includes a copy of the final Interagency Hazardous Materials Public Sector Training and Planning Grants rule (49 CFR Part 110), forms and certifications to be completed, guidance related to the National Curriculum Guidelines required by HMEP, and guidance to help applicants develop a long-range strategy for training and planning.

Attention is called to the checklist beginning on page 15. This checklist must be followed closely to ensure that an application is complete.

For planning grants consider the guidance beginning on page 19 and give special attention to the eligible project activities beginning on page 21 likewise training grant guidance begins on page 43. The training guidance contains important eligible project activities to be incorporated in the continuation training application.

For further information, contact Charles Rogoff, Manager, HMEP Grants Program of the U.S. Department of Transportation at (202) 366-0001.

## ***Purpose of This Grant Program***

Federal Hazardous Material Law authorizes the U.S. Department of Transportation (DOT) to provide assistance to public sector employees through training and planning grants to States, Territories, and Native American tribes for emergency response. The purpose of this grant program is to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations.

### ***Coordination of Proposal Development***

DOT/Research and Special Programs Administration (RSPA) accepted and funded applications for multiyear projects (normally 6 years) from States and Territories. It is time for applications for the next phase. This is a performance-based grant program that builds on and supports the accomplishments of long-term goals and objectives. Under the multiyear approach, incremental (i.e., budget period) activities approved in a scope of work will be funded according to the schedule for activities authorized in the grant. A performance report will be required on previous accomplishments **prior** to the beginning of each continuation budget period. The continuation application should be submitted each year by July 1 for the budget period beginning the following October 1.

Training and planning are two parts of the comprehensive national grant program; State and Territory applicants are encouraged to request funds to conduct one or both parts in a single application package (if both are included in one package, separate budgets for training and planning must be included). DOT/RSPA will simplify the grant process by awarding funds for both parts in one grant document.

Because training and planning components for the grant program are funded separately by a special national registration fee program, DOT/RSPA has a fiduciary responsibility to obligate and account for training and planning funds separately. Therefore, separate accounts for costs must be established for each in the application and grantee records.

### ***Training and Planning Application Requirements***

A training and planning continuation grant application from a State or Territory must be accompanied by a letter from the Governor designating an entity to receive Federal funds *if it has not already been provided to RSPA*. DOT encourages the designated entity to obtain substantive knowledge of the status of training and planning under EPCRA, familiarity with State and local emergency preparedness and response capabilities and training needs. Also required is a statement that all members of the State Emergency Response Commission (SERC) have been given an opportunity to review the grant application.

To be approved for a *planning grant*, a State or Territory must certify that it is complying with Sections 301 and 303 of EPCRA. With respect to Section 301, the State or Territory must certify that a SERC has been established, emergency planning districts have been designated, and Local Emergency Planning Committees (LEPC) have been appointed by the SERC. The State or Territory also must describe the status of the LEPCs' emergency response plans and their compliance with Section 303. In addition, the State or Territory must certify that the aggregate expenditure of funds (as defined by the State or Territory), exclusive of Federal funding, for planning activities will not fall below its average expenditure for its last 2 fiscal years. The State or Territory also must agree to make available to LEPCs at least 75 percent of the Federal planning grant funds provided.

To be eligible for a *training grant*, a State or Territory must certify that it is complying with Sections 301 and 303 of EPCRA. With respect to Section 301, the State or Territory must certify that a SERC has been established, emergency planning districts have been designated, and LEPCs have been appointed by the SERC. The State or Territory also must describe the status of the LEPCs' emergency response plans and their compliance with Section 303. In addition, the State or Territory must agree to make at least 75 percent of the awarded Federal funds available for the purpose of training employees either employed or used by political subdivisions. The State or Territory also must certify that it will maintain a 2-fiscal-year average of its own aggregate level of expenditures (as defined by the State or Territory) for training public sector employees and volunteers to respond to accidents and incidents involving hazardous materials and agree to use courses consistent with the National Curriculum Guidelines developed under HMEP.

### ***Project and Budget Periods***

The assistance provided under this section is intended to support 6-year comprehensive training and planning projects.

The project period will be approximately 6 years in duration. Funding will be provided on the basis of approximately 1-year budget periods. Each budget period will be funded according to a specifically defined budget and statement of work.

### ***Matching Funds***

For both training and planning grants, States must contribute a minimum of 20 percent matching share to the total cost of the grant project. Thus, if the total cost of the project is \$50,000, the State or Territory must provide at least \$10,000, and DOT will provide no more than \$40,000. The matching requirement must be satisfied by costs incurred by the grantee or by the value of in-kind contributions. Funds or costs used for matching purposes under any other Federal grant or cooperative agreement may not be used for matching purposes. The 2-year averaged non-Federal aggregate amount cannot be used for matching (in other words, the State's or Territory's matching share must be new money, either new State or Territory funds or new in-kind contributions).

### ***Continuation Grant Target Amounts***

The letter transmitting the continuation application kit advises applicants of the target amount of Federal funds available that may be applied for. The scope of work and the budget (Federal and non-Federal funds) should reflect the proposed activities to be conducted during the continuation grant period.

For planning grants, approved applicants who include all required information and certify compliance with Sections 301 and 303 of EPCRA will receive an amount determined by using the following key factors: (1) number of 302 facilities filing to date (Section 302 of the Superfund Amendments and Reauthorization Act of 1987 [SARA], Title III, requires any facility with one or more emergency hazard sites above a threshold quantity to identify itself to the SERC and the LEPC. In turn, the LEPC must develop a comprehensive emergency plan that includes all covered 302 facilities and transportation routes as well as other hazardous materials risks); (2) population; and (3) hazardous materials truck miles within the State or Territory.

For training grants, approved applicants who include all required information will receive an amount determined by using the following key factors: (1) population; (2) the number of chemical facilities listed in the summary provided by the Bureau of Census, Bureau of Economic Analysis; and (3) highway miles (within the State or Territory).

### ***Submitting Continuation Applications***

A complete continuation application with an original signature and one copy must be submitted to DOT by July 1 to assure funding on or before October 1. Applications must be received at DOT by the deadline to be considered for early funding. Applications must be sent to: U.S. Department of Transportation/RSPA, HMEP Grants Unit, 400 Seventh Street, S.W., DHM-64, Room 8104, Washington, DC 20590-0001, Attn: Charles Rogoff, HMEP Grants Manager.

### ***Where Else Can I Turn for Help?***

The technical assistance materials included in this section cross-reference HMEP-eligible activities with source materials that will assist you in proposal development and actual implementation. For example, if you see a need for exercises in your State, consult NRT-2, *Developing a Hazardous Materials Exercise Program; A Handbook for State and Local Officials*. The *Successful Practices* series cumulative index has been included in this package; after you have identified the specific types of projects you think you will propose, you can use these articles to learn more about similar projects that have been completed elsewhere. DOT, EPA, and FEMA contacts at both the regional and headquarters levels are listed in the Information Contacts section of this application package.

## INFORMATION CONTACTS

### REGIONAL CONTACTS

REGION	STATES	EPA	FEMA
I	CT, ME, MA, NH, RI, VT	Emergency Planning and Response Branch Office of Site Remediation and Restoration, USEPA Region 1 90 Canal Street Boston, MA 02203 (617) 573-9664	442 J.W. McCormack POCH Boston, MA 02109 (617) 573-5715
II	NJ, NY, PR, VI	2890 Woodbridge Avenue Edison, NJ 08837-3679 (908) 321-6620	Room 1337 26 Federal Plaza New York, NY 10278-0002 (212) 225-7209
III	DE, DC, MD, PA, VA, WV	Oil and Title III Section (3HW32) 841 Chestnut Street Philadelphia, PA 19107 (215) 597-5998	Liberty Square Building - 2nd Floor 105 South 7th Street Philadelphia, PA 19106-3316 (215) 931-5500
IV	AL, FL, GA, KY, MS, NC, SC, TN	345 Courtland Street, NE Atlanta, GA 30365 (404) 347-1033	Suite 735 Attn: Mitigation Division 1371 Peachtree Street, NE Atlanta, GA 30309-3108 (404) 853-4400
V	IL, IN, MI, MN, OH, WI	77 West Jackson SC-9J Chicago, IL 60604-3590 (312) 353-1505	4th Floor 175 West Jackson Chicago, IL 60604-2698 (312) 408-5500
VI	AR, LA, NM, OK, TX	10th Floor 1445 Ross Avenue Dallas, TX 75202-2733 (214) 665-2270	FEMA Region 6 Attn: Regional Director 800 North Loop 288 Denton, TX 76201-3698 (817) 898-5104
VII	IA, KS, MO, NE	ARTX/TOPE/TSCS 726 Minnesota Avenue Kansas City, KS 66101 (913) 551-7020	2323 Grand Boulevard Suite 900 Kansas City, MO 64108-2670 (816) 283-7090
VIII	CO, MT, ND, SD, UT, WY	One Denver Place Suite 500 999 18th Street Denver, CO 80202-2466 (303) 312-6408	Denver Federal Center Building 710 Box 25267 Denver, CO 80225-0267 (303) 235-4812
IX	AZ, CA, HI, NV, American Samoa, Guam, Northern Mariana Islands	75 Hawthorne Street (H-1-2) San Francisco, CA 94105 (415) 744-2100	Building 105 Presidio of San Francisco San Francisco, CA 94129-1250 (415) 923-7200
X	AK, ID, OR, WA	1200 6th Avenue (ECL-116) Seattle, WA 98101 (206) 553-4349	Federal Regional Center 130 228th Street, SW Bothell, WA 98021-9796 (206) 487-4693



## **ADDITIONAL INFORMATION CONTACTS**

In addition to the information available from EPA and FEMA regional contacts, specific technical information can be provided by the following individuals.

### **GENERAL APPLICATION QUESTIONS**

Charles Rogoff - DOT (202) 366-0001

### **COMMODITY FLOW ANALYSIS**

Charles Rogoff - DOT (202) 366-0001

### **GRANT SPECIALISTS CONTACTS**

Windy Hamilton - DOT (202) 366-8007

Bob Joyce - DOT (202) 366-8022

FAX (202) 366-8700

### **HAZARDS ANALYSIS**

John Gustafson - EPA (202) 260-3315

Bill Finan - EPA (202) 260-3315

Tom Smith - FEMA (202) 646-4542

### **EXERCISES**

Tom Smith - FEMA (202) 646-4542

John Gustafson - EPA (202) 260-3315

### **TRAINING CURRICULUM**

Bill Lewis - FEMA (301) 447-1009

Kathy Jones - EPA (202) 260-8353

### **NATIVE AMERICAN TRAINING AND PLANNING GRANTS**

Sherry Fielding - EPA (202) 260-6174

## **PROGRESS REPORTING**

## PROGRESS REPORTING

The HMEP grant program, supporting State, Territorial and Tribal planning and training to enhance the response procedures for emergencies involving transportation of hazardous materials has relied heavily on recipient organizations to operate the best possible program for their jurisdiction. The latitude given grant recipients has resulted in a rapid increase, by all accounts received to date, in both planning and training.

It is important that we assess at all jurisdictional levels what has been accomplished just as you are continuing your assessments of planning and training needs.

Your insight and cooperation would be appreciated in developing a relatively concise and easy reporting scheme that will provide data that can be used to support all hazardous materials projects.

For example, planning should at least reflect the following:

1. Quantitative and qualitative assessment of development, improvement and implementation of emergency plans
2. Systems to determine and maintain information on flow patterns of hazardous materials
3. Need for regional response teams
4. Local response capabilities
5. Plans for conducting drills and exercises
6. Description of progress made toward meeting planning objectives as stated in your application
7. Description of unmet planning objectives and proposed approach to meet the objectives

Examples of training should at least reflect the following:

1. Number of public sector employees needing training
2. Training delivered to public sector employees
3. Training drills and exercises completed and planned
4. Description of progress made toward meeting training objectives as stated in your application
5. Description of unmet training objectives and proposed approach to meet the objectives

**CHECKLIST FOR  
GRANT APPLICATION PREPARATION**

## CHECKLIST

### **ITEMS TO BE SUBMITTED BY STATES AND TERRITORIES FOR HMEP GRANTS: GENERAL REQUIREMENTS FOR ALL GRANTS**

- ☐ Completed Standard Form 424 (Application for Federal Assistance for Non-Construction Programs).
- ☐ Completed Standard Form 424A (Budget Sheets).
- ☐ If a change has been made since the previous continuation grant application was submitted, please submit a written statement explaining whether the State assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials.
- ☐ If a change has been made since the previous continuation grant application was submitted, please submit a statement designating a project manager and providing the name, position, address, and telephone number of that individual, who will be responsible for coordinating the funded activities with other agencies and organizations.
- ☐ A report of progress made toward achieving the project objectives stated in the preceding budget periods.
- ☐ A narrative statement of any proposed changes to the previously approved project goals and objectives.
- ☐ A statement of work for the upcoming budget period that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.
- ☐ A statement detailing appropriate SERC and LEPC involvement.
- ☐ A description of supplies and equipment needed to implement the statement of work and justification for these needs.
- ☐ Assurances--Non-Construction Program (SF-424B).
- ☐ Debarment and Suspension Certification.
- ☐ Drug-Free Workplace Certification.
- ☐ Anti-Lobbying Certification.
- ☐ Assurances of Compliance With Title VI of the Civil Rights Act of 1964.

# **PLANNING GRANT GUIDANCE**

## PLANNING GRANT GUIDANCE

The purpose of this planning grant guidance is to help you make better informed decisions regarding your grant application. In addition to providing an outline of the information needed in your application, it identifies technical assistance materials that can provide useful information for selecting grant-eligible activities. Examples of transportation-related projects undertaken by SERCs and LEPCs across the country also are included.

The primary objective of the planning grants program is to develop, improve, and implement emergency plans under EPCRA as well as determine the need for regional hazardous materials emergency response teams. To accomplish these objectives, specific activities that will improve planning have been identified by Congress as those that are eligible for funding. Among these are conducting commodity flow assessments, hazards analysis, and drills and exercises; assessing local response capabilities; and enhancing emergency plans.

The general guidance document suggests the development of a multiyear program strategy. If you did not set out a clear multiyear strategy in your previous application, you should consider doing so as part of your continuation application. To implement a multiyear application strategy, you should know where your State currently stands in the planning process and how HMEP funds will be prioritized and made available for use by LEPCs. You can then build a revised program mission, chart the priority activities for the coming years, and begin your continuation application project narrative statement. What are your broad program objectives? How can you supplement the previous activities? For example, if you focused attention on certain LEPCs during the previous years, do you plan to continue with that strategy, or will you pinpoint a different group during each budget period?

### ***Beginning the Process***

Several questions should be considered to determine where the State is in the planning process. What percentage of the population is covered by emergency plans? Are these emergency plans based on technically sound hazards analyses? To what degree is transportation-related risk considered in these plans? Have the plans been tested by conducting exercises? You can also use the flow chart, "Overview of Planning Process," on page 23 to determine what planning activities currently take place within your State. HMEP grants can be used to "fill in the gaps" by addressing some of your State's specific planning needs.

### ***Establishing Priorities***

HMEP funds will be provided to the State, but according to the statute, at least 75 percent of those funds must be passed through to LEPCs. Because each State has unique risks and unique planning organizations associated with it, each State should consider prioritizing the uses of its HMEP allocation. Depending on the circumstances in your State, it might make the most sense to allocate an equal amount of money to each LEPC; another option is to provide larger sums to specific areas with the

greatest need. Questions to consider when making this determination include: Are there certain geographical areas that are of particular concern, especially considering transportation-related risk? Is there a way to distribute HMEP funds based on the presence of specific high-risk, high-priority chemicals?

### ***What Should the Planning Project Narrative Include?***

The project narrative required sets out the goals and objectives of your HMEP program. You should update and include changes to the following elements for each major activity you are proposing:<sup>1</sup>

- ***Background Statement.*** This is the long-term goals and objectives for the program and should include:
  - ***Current Authorities.*** Describe your State legislation and the funding mechanism(s) that provide the structure to your program.
  - ***Increasing Program Capability.*** What are your State's primary planning needs? By linking your needs with the grant-eligible activities, you will justify your proposal.
  - ***Regional Hazardous Materials Teams.*** Does your State presently participate in regional hazardous materials emergency response teams? Do you see a need for such involvement in the future?
- ***Impact on the Program.*** What impact will HMEP have in your State? How will it fit into your overall plan to implement EPCRA?
- ***Transportation-Related Work.*** What is the potential for problems associated with transportation flow patterns of hazardous materials within your State and between your State and others? If commodity flow information is not available, do you plan to assess these patterns? This type of study can provide you with valuable information on potential transportation accidents within your State.
- ***Time Line.*** Include a realistic schedule for implementing the activities you have proposed. This could include a single-year or multiyear plan.
- ***Monitoring Efforts.*** How do you intend to monitor the program? Describe the types of mechanisms required by your State and within your agency for financial and programmatic monitoring.
- ***Coordination of Planning.*** Include a description of how planning under the grant will be coordinated with emergency planning conducted by adjacent States and Indian Tribes.

<sup>1</sup> See State/Territory Checklist for HMEP Grants—Items to be Submitted for Planning Grants.



### ***Eligible Project Activities for Continuation Planning***

Planning grants may be made to reimburse States and Territories for (1) developing, improving, and implementing emergency plans under the EPCRA; (2) determining the flow patterns of hazardous materials within a State or between one State and another State; and (3) determining the need for regional hazardous materials emergency response teams. Refer to page 22 for more detailed planning grant guidance.

**States are required to pass through at least 75 percent of the grant amount to LEPCs.** A continuation application should reflect how these funds were passed through from the applicant's current grant to the LEPCs and the applicant's proposed actions for use of continuation grant funds.

The following specific activities continue to be eligible for planning grants:

- Development, improvement, and implementation of emergency plans required under EPCRA as well as exercises that test the emergency plan. Enhancement of emergency plans to include hazards analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials;
- Management activities associated with the passthrough of funds to the LEPCs;
- An assessment to determine flow patterns of hazardous materials within a State or between one State and another State, Territory or Native American land; also development and maintenance of a system to keep such information current;
- An assessment of the need for regional hazardous materials emergency response teams;
- An assessment of local response capabilities;
- Conducting emergency response drills and exercises associated with emergency preparedness plans;
- Technical staff to support the planning effort (staff funded under planning grants cannot be diverted to support other requirements of EPCRA); and
- Additional activities that the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project.

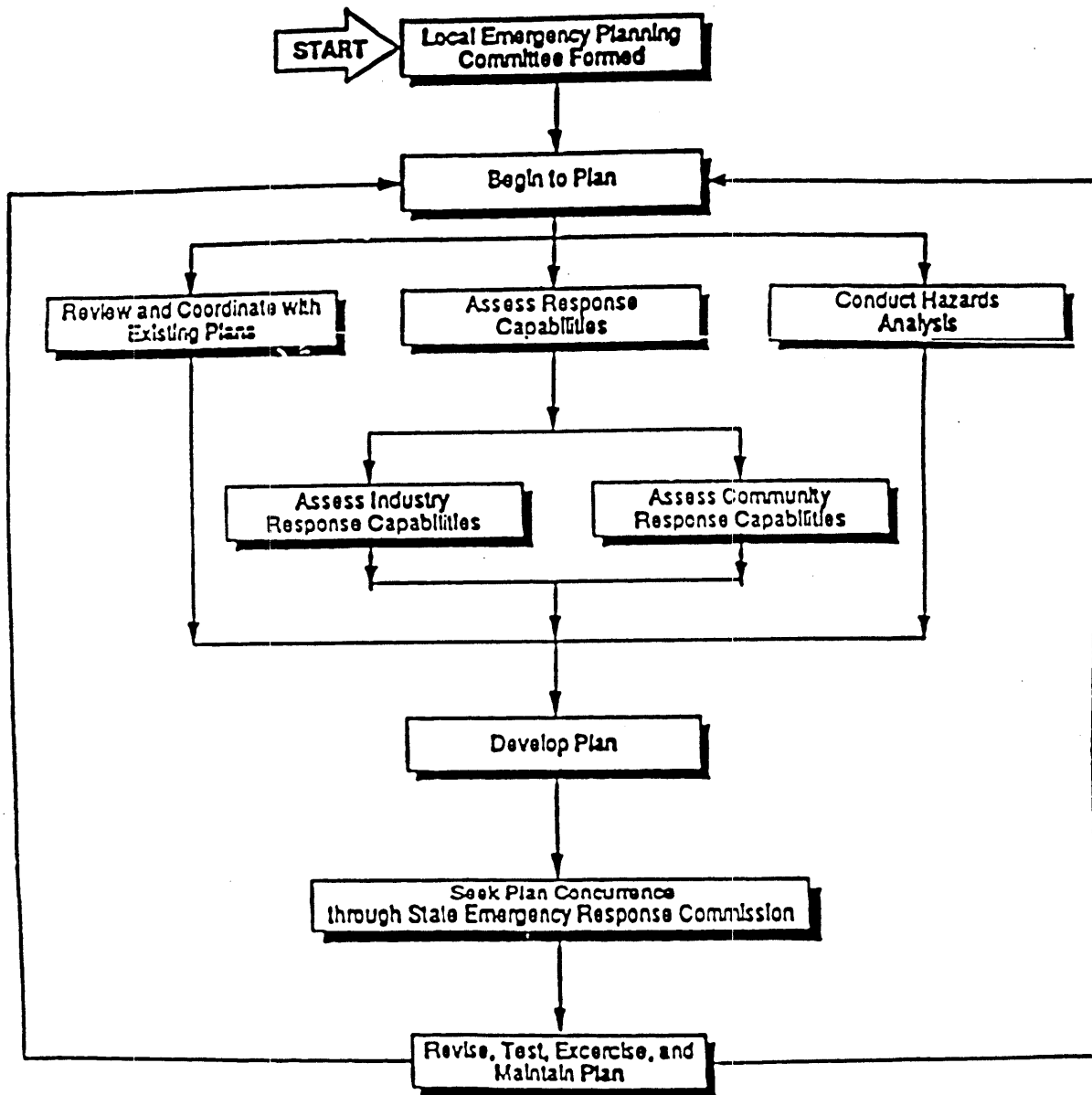
A continuation application should reflect progress made toward accomplishing the objectives stated in an applicant's previous award documents. Should the applicant wish to modify its project, the applicant must identify the changes wanted, establish specific outputs to be achieved during the upcoming budget period, and reflect the proposed revised activities in the upcoming budget period.

## CHECKLIST

### **ITEMS TO BE SUBMITTED BY STATES AND TERRITORIES FOR HMEP PLANNING GRANTS**

- ☐ An updated explanation of how the State is complying with Sections 301 and 303 of EPCRA.
- ☐ A statement indicating that all members of the SERC were provided the opportunity to review the grant application.
- ☐ A description of the coordination with emergency planning activities being conducted by adjacent States and Native American Tribes.
- ☐ A written statement specifying the aggregate expenditure of funds by the State or Territory, exclusive of Federal funds, for each of its last 2 fiscal years (as defined by the State or Territory) for developing, improving, and implementing emergency plans under EPCRA. A written certification that the applicant's aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 2 fiscal years.
- ☐ A written statement agreeing to make available to LEPCs at least 75 percent of the Federal funds awarded and an explanation of how the applicant intends to make such funds available to LEPCs for developing, improving, or implementing emergency plans.
- ☐ A project narrative statement describing changes to the goals and objectives of the proposed project.
- ☐ An updated statement describing the applicant's long-term goals and objectives with respect to:
  - The current abilities and authorities of the applicant's program for preparedness planning;
  - The need to sustain or increase program capability;
  - The current degree of participation in or intention to assess the need for a regional hazardous materials emergency response team;
  - The impact that the grant will have on the program;
  - A discussion of whether the applicant knows, or intends to assess, transportation flow patterns of hazardous materials within the State and between the State and another State;
  - A schedule for implementing the proposed grant activities; and
  - A statement describing the ways in which planning will be monitored by the recipient.

## OVERVIEW OF PLANNING PROCESS\*



\*Based on NRT-1: *Hazardous Materials Emergency Planning Guide*  
Developed by National Response Team

**Technical Assistance Materials for  
HMEP Grant Preparation  
Eligible Activities Under 49 CFR Part 110.40(A)  
Planning Grants**

**110.40(A)1 DEVELOPING EMERGENCY PLANS**

- ✓ Development, improvement, and implementation of emergency plans required by EPCRA.
- ✓ Conducting hazards analysis.
- ✓ Conducting exercises that test the plan.
- ✓ Enhancement of emergency plans to include response procedures involving transportation of hazardous materials, including radioactive materials.



**SOURCE MATERIALS:**

- *It's Not Over in October! A Guide for Local Emergency Planning Committees* (EPA, FEMA, other agencies)
- *Technical Guidance for Hazards Analysis* (Green Book) (EPA, DOT, FEMA)
- *Handbook of Chemical Hazards Analysis* (Brown Book) (FEMA, DOT, EPA)
- *Hazardous Materials Emergency Planning Guide* (NRT-1)

**110.40(A)2 COMMODITY FLOW ASSESSMENT**

- ✓ Assessment to determine flow patterns of hazardous materials within a State or between a State and another State or Indian country.
- ✓ Maintenance of a system to keep such information current.



**SOURCE MATERIALS:**

- DOT Commodity Flow Study
- *Community Teamwork: Working Together to Promote Hazardous Materials Transportation Safety* (DOT)

To obtain the planning grant source materials listed above, contact the Emergency Planning and Community Right-to-Know Hotline at (800) 535-0202 (Monday - Friday, 8:30 a.m. - 7:30 p.m. EST). You may fax your request to the Hotline staff at (703) 486-3333. Please include your name, address, telephone number, and the complete title of the document.

**Technical Assistance Materials for  
HMEP Grant Preparation  
Eligible Activities Under 49 CFR Part 110.40(A)  
Planning Grants**

**110.40(A)3 ASSESSING THE NEEDS FOR  
REGIONAL HAZMAT RESPONSE TEAMS**

- ✓ Assessment of the need for regional hazardous materials emergency response teams.



**SOURCE MATERIALS:**

- *Hazmat Team Planning Guidance*  
EPA/G-90/003 8/90

**110.40(A)4 ASSESSING LOCAL RESPONSE  
CAPABILITIES**

- ✓ Assessment of local response capabilities.



**SOURCE MATERIALS:**

- Chapters 3-4 of NRT-1
- Appendix D of NRT-1

To obtain the planning grant source materials listed above, contact the Emergency Planning and Community Right-to-Know Hotline at (800) 535-0202 (Monday - Friday, 8:30 a.m. - 7:30 p.m. EST). You may fax your request to the Hotline staff at (703) 486-3333. Please include your name, address, telephone number, and the complete title of the document.

**Technical Assistance Materials for  
HMEP Grant Preparation  
Eligible Activities Under 49 CFR Part 110.40(A)  
Planning Grants**

**110.40(A)5 CONDUCTING DRILLS AND EXERCISES**

- ✓ Conducting emergency response drills and exercises associated with emergency preparedness plans.



**SOURCE MATERIALS:**

- *Developing a Hazardous Material Exercise Program: A Handbook for State and Local Officials (NRT-2)*
- *Hazardous Materials Exercise Evaluation Manual (FEMA)*

**110.40(A)6 APPOINTING TECHNICAL STAFF**

- ✓ Appointing technical staff to support the planning effort. (Staff funded under the planning grants cannot be diverted to support other requirements of EPCRA.)



**SOURCE MATERIALS:**

- Chapter 2 of NRT-1

To obtain the planning grant source materials listed above, contact the Emergency Planning and Community Right-to-Know Hotline at (800) 535-0202 (Monday - Friday, 8:30 a.m. - 7:30 p.m. EST). You may fax your request to the Hotline staff at (703) 486-3333. Please include your name, address, telephone number, and the complete title of the document.

**Technical Assistance Materials for  
HMEP Grant Preparation  
Eligible Activities Under 49 CFR Part 110.40(A)  
Planning Grants**

**110.40(A)7 OTHER APPROPRIATE ACTIVITIES**

- ✓ Additional activities DOT deems appropriate to implement the scope of work for the proposed project plan and approved in the grant.



**SOURCE MATERIALS:**

- *Successful Practices Series* (See Attachment 1 of this document for the cumulative index to the series.)

To obtain the planning grant source materials listed above, contact the Emergency Planning and Community Right-to-Know Hotline at (800) 535-0202 (Monday - Friday, 8:30 a.m. - 7:30 p.m. EST). You may fax your request to the Hotline staff at (703) 486-3333. Please include your name, address, telephone number, and the complete title of the document.

## ATTACHMENT 1

### **SUCCESSFUL PRACTICES SERIES CUMULATIVE INDEX** **Issue #8; October 1991 (OSWER 91-006.2)**

#### Information Management (Computer Systems):

##### **CAMEO:**

Jefferson County, Kentucky (SP1:10); Racine County, Wisconsin (SP2:13); Pampa, Texas (SP2:5); El Paso County, Colorado (SP4:7); New York, New York (SP4:2); Wallingford, Connecticut (SP6:14); Hamilton County, Ohio (SP6:10); Bucks County, Pennsylvania (SP7:8); Arapahoe County, Colorado (SP8:25); Hawaii (SP8:17-19); Greene County, Missouri (SP8:13); Cherry Hill, New Jersey (SP8:2-3); Wyandotte County, Kansas (SP5:16)

##### **Conversion software:**

Green County, Missouri (SP8:13)

##### **dBASE:**

El Paso County, Colorado (SP4:7); Bucks County, Pennsylvania (SP7:9)

##### **Dispatch system:**

Bucks County, Pennsylvania (SP7:9)

##### **Modified reporting format:**

Ohio (SP6:2), Ouachita Parish, Louisiana (SP6:20), Hawaii (SP8:19)

##### **Networks:**

Idaho (SP2:15)

##### **"Packet" radio:**

El Paso County, Colorado (SP4:7); Cherry Hill, New Jersey (SP8:3)

##### **Software programs:**

Kansas (SP1:3-4); Pampa, Texas (SP2:5-6); Virginia (SP3:5-6); Fairfax County, Virginia (SP3:9-10); New York, New York (SP4:1-2); Tinker Air Force Base, Oklahoma (SP5:2-3); Connecticut (SP5:6-7); Hamilton County, Ohio (SP6:10); Ouachita Parish, Louisiana (SP6:21); Bucks County, Pennsylvania (SP7:8); Arapahoe County, Colorado (SP8:25)

##### **Worksheet forms:**

Washtenaw County, Michigan (SP1:5)

#### LEPC Coordination:

##### **Coordination with SERC:**

Hamilton County, Ohio (SP6:10); Kansas (SP1:2)

##### **Federal facilities:**

Tinker Air Force Base, Oklahoma (SP5:1)



**Inter-LEPC coordination:**

Virginia (SP3:4-5); Alexandria, Virginia (SP4:12-13); Wyandotte County, Kansas (SP5:17); Woodbury County, Iowa (SP3:3)

**International coordination:**

Maine (SP4:18); Cameron County, Texas (SP7:1-3)

**LEPC Organization:****Pre-SARA/Title III organizations:**

Bucks County, Pennsylvania (SP7:7-8); Cherry Hill, New Jersey (SP8:1); Hawaii (SP8:19-20); Racine County, Wisconsin (SP2:11); Woodbury County, Iowa (SP3:1-2)

**Subcommittees:**

Calhoun County, Alabama (SP2:2); Ouachita Parish, Louisiana (SP6:17-18); Bucks County, Pennsylvania (SP7:7-8); Greene County, Missouri (SP8:11-13); Pampa, Texas (SP2:4); Jefferson County, Kentucky (SP1:10)

**Liability:**

Virginia (SP3:5); Pierce County, Washington (SP3:15); Maine (SP4:16)

**Outreach Programs:**

Wisconsin (SP2:8); Hawaii (SP8:19)

**Agriculture:**

Racine County, Wisconsin (SP2:11-12); Manitowoc County, Wisconsin (SP8:6-7)

**Audio/Visual Aids:**

Virginia (SP3:4-5); Ohio (SP6:2-3); Harford County, Maryland (SP7:15); Cherry Hill, New Jersey (SP8:4)

**Brochures, factsheets, and booklets:**

Kansas (SP1:2); Cuyahoga County, Ohio (SP2:10); Idaho (SP2:14); New York, New York (SP4:4); Hamilton County, Ohio (SP6:10); Wallingford, Connecticut (SP6:15); Harford County, Maryland (SP7:15); Arapahoe County, Colorado (SP8:25)

**Guidelines**

Cuyahoga County, Ohio (SP2:10); Virginia (SP3:4-5)

**Industry:**

Virginia (SP3:4-5)

**Lectures and workshops:**

Butler County, Kansas (SP1:7); Idaho (SP2:14); Pierce County, Washington (SP3:14); New York, New York (SP4:4); Connecticut (SP5:7); Dallas County, Texas (SP7:20); Cameron County, Texas (SP7:4); Manitowoc County, Wisconsin (SP8:6-8)

**Library displays:**

Pierce County, Washington (SP3:14); El Paso County, Colorado (SP4:8);

**Local government:**

Cherry Hill, New Jersey (SP8:4)

**Mailing lists:**

New York, New York (SP4:4)

**Transportation:**

Alexandria, Virginia (SP4:11-12); Ouachita Parish, Louisiana (SP6:21-22)

**Training Programs:****Coordinating with government organizations:**

Virginia (SP3:4); El Paso County, Colorado (SP4:8); Tinker Air Force Base, Oklahoma (SP5:3); Connecticut (SP5:7); Bucks County, Pennsylvania (SP7:11); Hawaii (SP8:20)

**Facility management personnel:**

Tinker Air Force Base, Oklahoma (SP5:3); Bucks County, Pennsylvania (SP7:11)

**First-responders:**

Pierce County, Washington (SP3:13-14); El Paso County, Colorado (SP4:8); Tinker Air Force Base, Oklahoma (SP5:3); Connecticut (SP5:7); Cumberland County, Maine (SP5:11); Wallingford, Connecticut (SP6:15); Harford County, Maryland (SP7:15); Cherry Hill, New Jersey (SP8:3-4); Cameron County, Texas (SP7:3)

**Hazmat team personnel:**

Jefferson County, Kentucky (SP1:9); Pampa, Texas (SP2:5); Virginia (SP3:4); Connecticut (SP5:7); Harford County, Maryland (SP7:15); Hawaii (SP8:20)

**LEPC:**

Kansas (SP1:3); Virginia (SP3:4); Alexandria, Virginia (SP4:13-14); Connecticut (SP5:7)

**Medical personnel:**

Racine County, Wisconsin (SP2:12)

**Potential CAMEO users:**

Cherry Hill, New Jersey (SP8:3-4)

**Public:**

Bucks County, Pennsylvania (SP7:11)

**Train-the-Trainer:**

Idaho (SP2:15); Maine (SP4:18); Cherry Hill, New Jersey (SP8:4)

**Vulnerability Analysis:**

Cuyahoga County, Ohio (SP2:9); Hamilton County, Ohio (SP6:8); Wallingford, Connecticut (SP6:14-15); Greene County, Missouri (SP8:13-14)

**HIRT:**

Bucks County, Pennsylvania (SP7:11)

# EXAMPLE HAZARDS MATRIX FOR PLANNING COMMUNITY

	Hazard A	Hazard B	Hazard C
<b>REEVALUATED RESULTS OF HAZARDS ANALYSIS</b>			
<b>1. RESULTS OF HAZARDS IDENTIFICATION</b>			
a. Chemical	Chlorine	Ammonia	Liquid methyl isocyanate (MIC)
b. Location	Water treatment plant	Tank truck on local interstate highway	Pesticide manufacturing plant in semi-rural area
c. Quantity	500 lbs.	3,000 lbs.	1,000 lbs.
d. Properties	Health effects: May be fatal if inhaled. Contact may cause burns to skin and eyes. Respiratory conditions may be aggravated.	Health effects: May be fatal if inhaled. Contact may cause burns to skin and eyes. Vapors are irritating to eyes and respiratory tract.	Health effects: May be fatal if inhaled. Skin irritant. Can cause permanent eye damage. Attacks the respiratory system and can injure lungs and bronchial airways.
<b>2. RESULTS OF VULNERABILITY ANALYSIS</b>			
a. Vulnerable zone*	A spill of 500 lbs. of chlorine from a storage tank could result in an area of radius 1.0 miles where chlorine gas may exceed the level of concern (LOC). This is for an urban area.	A spill of 3,000 lbs. of ammonia resulting from a collision of a tank truck could result in an area of radius 7.6 miles where ammonia exceeds its LOC. This is for a rural area.	A spill of 1,500 lbs. of MIC could affect an area of radius greater than 10 miles with MIC vapors exceeding the LOC. This is for a rural area assuming the liquid is hot, not diked, and at 100% concentration.
b. Population within vulnerable zone	Total population within vulnerable zone is approximately 1,250.	A total of 13,600 people in the vulnerable zone including up to 700 persons in commercial establishments or vehicles near highway interchange and seasonal influx of visitors to forest preserve in the fall.	A total of 26,700 people in the vulnerable zone including 200 workers at the plant and 1000 children in school.
c. Essential services within zone	None	1 volunteer fire station	1 fire station and 1 police station

\*The distances here may not correspond with those in NRT-1 because the assumptions used in the calculation are different.

Hazard A		Hazard B	Hazard C
3. RESULTS OF RISK ANALYSIS			
a. Likelihood of hazard occurrence	Low--because chlorine is stored in an area with leak-detection equipment in 24-hour service with alarms. Protective equipment is kept outside storage room.	High--highway interchange has a history of accidents because of poor visibility of exits and entrances.	Low--facility has up-to-date containment facilities with leak- detection equipment and an emergency plan for its employees. There are good security arrangements that would deter tampering or accidents resulting from civil uprisings.
b. Consequences if people are exposed	High levels of chlorine gas in the nursing home and factory could cause death and respiratory distress. Bedridden nursing home patients are especially susceptible. High severity of consequences. However, gas is unlikely to reach a nursing home under reevaluated release conditions.	Motorists' reaction to released vapors may cause traffic accidents. Injured and trapped motorists are subject to lethal vapors and possible incineration. Windblown vapors can cause respiratory distress for nearby residents and business patrons. High severity of consequences.	If accident occurs while school is in session, children could be killed, blinded, or suffer chronic debilitating respiratory problems. Paint workers would be subject to similar effects at any time. High severity in school hours; medium severity at all other times.
c. Consequences for property	Possible superficial damage to facility equipment and structures from corrosive fumes (repairable).	Repairable damage to highway. Potential destruction of nearby vehicles caused by fires or explosions.	Vapors may explode in a confined space causing property damage (repairable). Damage could result from fires (repairable).
d. Consequences of environmental exposure	Possible destruction of surrounding fauna and flora.	Potential for fire damage to adjacent forest preserve because of combustible material (recoverable in the long term).	Farm animals and other fauna could be killed or develop health effects necessitating their destruction or indirectly causing death.
e. Summary: Likelihood/severity of consequences	Low/High. The community would assess this on site- and incident-specific basis.	High/High. The community would assess this on site- and incident-specific basis.	Low-High to Medium. The community would assess this on site- and incident-specific basis.

	Hazard A	Hazard B	Hazard C
<b>EXAMPLES OF EMERGENCY PLANNING INFORMATION RESULTING FROM HAZARDS ANALYSIS</b>			
Protective Equipment Needed	<ul style="list-style-type: none"> <li>■ Chemical-resistant clothing with full body coverage</li> <li>■ Positive pressure, self-contained breathing apparatus</li> </ul>	<ul style="list-style-type: none"> <li>■ Chemical-resistant clothing with full body coverage</li> <li>■ Positive pressure self-contained breathing apparatus</li> </ul>	<ul style="list-style-type: none"> <li>■ Chemical-resistant clothing with full body coverage</li> <li>■ Thermal protection (in case of fire)</li> <li>■ Positive pressure self-contained breathing apparatus</li> </ul>
Other Equipment Needed	<ul style="list-style-type: none"> <li>■ Equipment to repair leaks ("Chlorine B kit")</li> <li>■ Sampling and monitoring devices:               <ul style="list-style-type: none"> <li>- Gas tube samplers or photoionization detectors for air</li> <li>- Colorimetric kits for water</li> </ul> </li> <li>■ Neutralizing materials:               <ul style="list-style-type: none"> <li>- Fly ash</li> <li>- Cement powder</li> <li>- Activated carbon</li> <li>- Soda ash</li> <li>- Caustic soda</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>■ Equipment to repair leaks if possible (plugging or patching devices)</li> <li>■ Sampling and monitoring devices:               <ul style="list-style-type: none"> <li>- Gas tube samplers</li> <li>- Photoionization detectors</li> </ul> </li> <li>■ Neutralizing materials:               <ul style="list-style-type: none"> <li>- Fly ash</li> <li>- Cement powder</li> </ul> </li> <li>■ Vinegar and other dilute acids</li> </ul>	<ul style="list-style-type: none"> <li>■ Equipment to repair leaks if possible (plugging or patching devices)</li> <li>■ Sampling and monitoring devices</li> <li>■ Alcohol foam and dry chemical agent in case of fire</li> <li>■ Equipment for building dikes for containment:               <ul style="list-style-type: none"> <li>- Heavy equipment</li> </ul> </li> </ul>
Cleanup of Residual Contamination	<ul style="list-style-type: none"> <li>■ Equipment for containing runoff (if water spray is used to knock down vapors):               <ul style="list-style-type: none"> <li>- Heavy equipment (bulldozers, backhoes, dump trucks)</li> <li>- Soil, sandbags, foamed polyurethane, or foamed concrete for dikes</li> </ul> </li> <li>■ Heavy equipment for removal of contaminated soil, pavement, containment material</li> </ul>	<ul style="list-style-type: none"> <li>■ Equipment for containing runoff (if water spray is used to knock down vapors):               <ul style="list-style-type: none"> <li>- Heavy equipment (bulldozers, backhoes, dump trucks)</li> <li>- Soil, sandbags, foamed polyurethane, or foamed concrete for dikes</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>■ Heavy equipment for removal of contaminated soil and pavement</li> </ul>

# **TRAINING GRANT GUIDANCE**

### ***Eligible Project Activities for Continuation Training***

Training grants will be made available to States and Territories for training public sector employees to respond safely and efficiently to accidents and incidents, including those involving transportation of hazardous materials. Training may be designed for public officials who are not responders but who perform activities associated with emergency response plans developed under EPCRA. Operational equipment to be used in response is excluded from consideration for funding under this grant program.

States and Territories must ensure that at least 75 percent of training grant funds are used to benefit public sector employees. The continuation application should reflect how the current grant is being used to benefit public sector employees and how the applicant expects to accomplish this goal using continuation grant funds. The following training delivery options may be used by the State or Territory to meet the 75 percent requirement:

- Develop and deliver training to the public sector employees according to the priority needs and requests of the LEPCs;
- Distribute training grant funds directly to the LEPCs to support public sector employee training delivered by any provider; and
- Distribute training grant funds directly to the public sector employees so that the employees can attend approved training courses.

The following activities are also eligible for HMEP training grant support:

- Training audience assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum guidelines;
- Delivery of comprehensive preparedness and response training to public sector employees to include design of preparedness and response training to meet specialized needs; student and instructor course materials and manuals; student tuition, travel, and per diem costs; instructor costs; training facility rental; and equipment rental necessary to deliver an approved course. For training grants, equipment purchases for use as props for training may be approved with a proper justification. Costs for such equipment will be determined as reasonable based on a review by DOT;
- Training by a person (including a department, agency, or instrumentality of a State, Territory, or political subdivision thereof or a Native American tribe) and activities necessary to monitor such training including examinations, critiques, and instructor evaluations;
- Management of the training effort to achieve increased benefits, proficiency, and rapid deployment of public service employees who respond to accidents and incidents involving hazardous materials;
- Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans; and

- Additional activities that the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project and that are approved in the grant.

#### ***Allowable Training Grant Expenses***

Reasonable costs required to accomplish "eligible project activities" and reflected in the continuation application and grant agreement are allowable. States will be given the option to award subcontracts, supported in their applications, to another entity, such as an institution of higher education or a private contractor.

A charge for student tuition will be allowable as long as the proceeds are used for HMEP training activities. If the course is provided at no cost to the student, costs incurred to provide the course are allowable.

On request, participating Federal agencies will provide States "camera-ready" copies of Federal course materials needed for training, which States can duplicate themselves. Such duplication costs will be allowable expenses under HMEP. Materials purchased from the private sector also will be allowable expenses.

#### ***Nonallowable Training Grant Expense***

Overtime for participation in exercises is *not* an allowable personnel expense.



## CURRICULUM GUIDANCE

### ***Background***

In 1994, DOT provided the *Guidelines for Public Sector Hazardous Materials Training* to HMEP grantees to assist in the curriculum management of the training programs funded by the HMEP grant program.

To accompany the current HMEP grant guidance, DOT is providing the second edition, dated 1997, of the *Guidelines for Public Sector Hazardous Materials Training*. This new edition was developed by an expert team that included representatives from many HMEP grantee offices. The 1997 edition contains a variety of technical updates for response training, an updated planning section with a completely new curriculum organization especially tailored to State and local training needs, and an updated prevention section.

In addition, during 1995 DOT coordinated with the HMEP grantees the self-assessment of response training courses for public sector employees. The list of courses that have been assessed for compatibility with the HMEP curriculum guidelines includes the State, Federal and professional association programs used by the HMEP grantees in their respective training curriculums. The results of the response course self-assessment program are provided to the HMEP grantees in the document *HMEP List of Assessed Response Courses*, which is enclosed with this grant guidance. The HMEP assessment of response training courses will be an on-going process, and new or updated courses will continuously be assessed and added to the *HMEP List of Assessed Response Courses*. Therefore, this catalog will be regularly updated and updates provided to HMEP grantees as additional course assessments are made available.

### ***Current Training Grant Curriculum Directions***

#### **Planning and Prevention Training**

For planning and prevention training to be reimbursed under the HMEP training grant program, grantees should review the current edition of the *Guidelines for Public Sector Hazardous Materials Training* and should ensure that proposed training courses are within the scope and focus of the curriculum guidance for these training areas.

#### **Response Training**

For response training to be reimbursed under the HMEP training grant program, the courses used should be assessed using the HMEP response course self-assessment materials. The HMEP grant program maintains the policy of supporting each grantee's independent authority over their respective

training curriculums. To both continue this policy and ensure that response courses are uniformly assessed, grantees are asked to either:

1. **Use response courses that have been assessed** for compliance with the curriculum guidelines and are so indicated in the enclosed *HMEP List of Assessed Response Courses*. Later editions of courses on the list are acceptable if the grantee judges that the updated edition does not significantly alter the substance and scope of the training course.

OR

2. **Provide a completed self-assessment** to the DOT grants manager of the response course to be used that is not in the current *HMEP List of Assessed Response Courses*. Provide the completed self-assessment with the grant proposal.

**HMEP curriculum guidance materials**

- *Current Guidelines for Public Sector Hazardous Materials Training*
- *HMEP List of Assessed Response Courses*
- *HMEP Hazardous Materials Response Course Self-Assessment Kit*

## CHECKLIST

### **ITEMS TO BE SUBMITTED BY STATES AND TERRITORIES FOR HMEP TRAINING GRANTS**

- ☐ An updated explanation of how the State or Territory is complying with Sections 301 and 303 of EPCRA.
- ☐ A statement indicating that all members of the SERC were provided the opportunity to review the grant application.
- ☐ A written statement specifying the aggregate expenditure of funds by the State or Territory, exclusive of Federal funds, for each of its last 2 fiscal years (as defined by the State or Territory) for training public sector employees to respond to accidents and incidents involving hazardous materials. A written certification that the applicant's aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 2 fiscal years.
- ☐ A written statement agreeing to make at least 75 percent of the awarded Federal funds available for the purpose of training public sector employees who are employed by political subdivisions. The applicant must include a specific explanation of how it intends to accomplish this goal.
- ☐ Designation of a primary point of contact for coordinating training funded under this program. Identification of a single repository for copies of course materials delivered under this grant.
- ☐ To ensure that proposed training activities are part of a broader and coordinated training effort for a State or Territory, a project narrative statement describing the State's or Territory's overall training plan and changes anticipated during the upcoming budget period should be submitted. If not submitted in a previous application, this statement should include the following information:
  - Short- and long-range goals and objectives of each proposed project and of overall program;
  - A description of the overall training needs of the jurisdiction, quantified in terms of number of persons needing training and the number of persons currently trained in the different disciplines and planning and response functions (e.g., number of firefighters, EMTs, EMSs to be trained with grant funds);
  - An explanation of the ways in which the training grant will support the diversity of needs in the jurisdiction, such as decentralized delivery of training to meet the needs and time considerations of local responders or how the grant program will accommodate the different training needs for rural versus urban environments; and

- An explanation of quality control measures, including but not limited to random examinations, inspections, and audits of training, to maximize the cost effectiveness and impact of the program.
- ☐ Information on the individual courses for which funding is being requested in the grant application, including confirmation that the course is compliant with the guidelines.
- ☐ A schedule for implementing the proposed training grant activities in the upcoming budget period.
- ☐ A general estimate of the levels of training and funds that might be needed to fully address the State's or Territory's training requirements during the project period. This estimate will probably involve projected annual expenditures and grant requests that are greater than the amount allocated for a jurisdiction in the previous budget period of the grant program.

**CLOSEOUT AND  
PAYMENT GUIDANCE**

## CLOSEOUT OF GRANT AWARD

### ***Background***

When RSPA awards an HMEP grant, the agreement defines a specific "budget period" during which the funds are available to the grantee. The grant agreement also defines the "project period," which is the length of time agreed on to complete the entire project described in the grant agreement. For HMEP grants, the project period will normally be 6 years, and each budget period will be approximately 1 year. At the end of each budget period a financial status report and a progress report is required.

The recipient uses the award agreement as its authority to enter into its own obligations for internal expenses, contracts, etc., to carry out agreed-on activities during the approved budget period. The grant agreement serves as the document that obligates DOT funds for purposes of accomplishing project objectives during an approved budget period. At the end of each budget period, the recipient must provide to RSPA a Financial Status Report (Form 269) (see page 55).

State and Territorial recipients of HMEP training and planning grants should be aware of grant policy regarding closeout of each grant award and disposition of any unused funds awarded to carry out projects authorized by HMEP. Often, particularly in the early stages of a project, expenditures of grant funds do not proceed as planned. This situation may occur for many reasons; for example, inability to hire a staff person, inability to conduct or schedule training sessions prior to the end of a budget period, changing priorities, or modifications to the initially proposed scope of work. For whatever reason, there are many instances when a recipient has not obligated significant amounts of its Federal grant funds at the conclusion of a budget period. This section clarifies procedures for disposing of unobligated balances and closing out the financial accounting for each grant award.

One aspect of financial closeout is the payment of grantee outlays. All recipients are encouraged to request reimbursement for the Federal share of outlays as needed or as soon as possible after completion of each budget period. Standard Form 270, Request for Advance or Reimbursement, (see page 53) is to be used for requesting payments. If balances are not drawn down quickly enough, they may be deobligated and will no longer be available for grantee use.

## **GENERAL FINANCIAL CLOSEOUT PROCEDURES**

### ***Closeout Reporting Requirements***

Both program progress and financial status reports must be submitted for each budget period. The progress report must be submitted to the Grants Manager no later than 90 days after the budget period is completed. See page 11 for guidance on progress reporting.

The Financial Status Report (FSR), Standard Form 269 (see page 55), must be used to complete financial reporting for each grant period funded. Copies of the FSR may be made or may be requested from the HMEP Grants Manager. A final FSR should be submitted to the HMEP Grants Manager within 90 days of the completion of each budget period.

### ***Zero Balance Closeout***

When all Federal funds and all required matching non-Federal funds have been used for purposes approved in the grant, line 10.m. of the FSR will be zero. This zero unobligated balance of Federal funds authorizes DOT to close out the funding period identified by the FSR, subject only to a future audit.

### ***Decreases in Obligation Amounts***

Unobligated balances of funds may exist at the end of a grant period and a determination made that the unused funds should be decreased from the grant funds available. Usually these situations involve relatively small amounts of grant funds; however, decreases may be needed for many reasons, and thus the amount of the decrease, if any, will vary from grant to grant. The amount of the decrease will be identified on line 10.m. of the final FSR. Any recovery of grant unobligated balances will be considered a recovery to the registration fee fund and will be used to accomplish HMEP objectives.

# REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

Approved by Office of Management and  
Budget, No. 80-RO183

PAGE 2

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

1. TYPE OF PAYMENT REQUESTED	a. "X" one, or both boxes		2. BASIS OF REQUEST
	<input type="checkbox"/> ADVANCE	<input type="checkbox"/> REIMBURSEMENT	
	b. "X" the applicable box		
	<input type="checkbox"/> FINAL	<input type="checkbox"/> PARTIAL	<input type="checkbox"/> ACCRUAL

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REQUEST  
FROM (month, day, year) TO (month, day, year)

9. RECIPIENT ORGANIZATION

10. PAYEE (Where check is to be sent is different than item 9)

Name :

Name :

Number and Street :

Number and Street :

City, State and ZIP Code :

City, State and ZIP Code :

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED				
PROGRAMS/FUNCTIONS/ACTIVITIES ▶	(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)	\$	\$	\$	\$
b. Less: Cumulative program income				
c. Net program outlays (Line a minus line b)				
d. Estimated net cash outlays for advance period				
e. Total (Sum of lines c & d)				
f. Non-Federal share of amount on line e				
g. Federal share of amount on line e				
h. Federal payments previously requested				
i. Federal share now requested (Line g minus line h)				
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month			
	2nd month			
	3rd month			

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY	
a. Estimated Federal cash outlays that will be made during period covered by the advance	\$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b)	\$

13. CERTIFICATION		
I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REQUEST SUBMITTED
	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (AREA CODE, NUMBER, EXTENSION)

This space for agency use



## INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11c, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
2	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.		use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.
4	Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share, or outlays made against the grant or agreement.	11a	Enter in "as of date", the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.	11b	Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.	11d	Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
8	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.	13	Complete the certification before submitting this request.
<p>Note: The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.</p>			
11	The purpose of the vertical columns (a), (b), and (c), is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed,		

STANDARD FORM 270 BACK (7-76)

\* GPO : 1962 O - 311-526 (80x2)

FINANCIAL STATUS REPORT <small>(Please Indicate on the front)</small>				FEDERAL AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED		FEDERAL GRANT OR OTHER IDENTIFYING NUMBER		OMB APPROVED No. 50-10818		PAGE <span style="border: 1px solid black; padding: 0 5px;">  </span> OF <span style="border: 1px solid black; padding: 0 5px;">  </span>	
2. RECENT ORGANIZATION Name and complete address, including ZIP code   				4. EMPLOYER IDENTIFICATION NUMBER		5. RECENT ACCOUNT NUMBER OR IDENTIFYING NUMBER		6. FINAL REPORT <input type="checkbox"/>		7. BASIS <input type="checkbox"/>	
				8. PROJECT/GRANT PERIOD (See Instructions) (Month, day, year)		9. PERIOD COVERED BY THIS REPORT (Month, day, year)		10. MONTH, DAY, YEAR			
STATUS OF FUNDS											
10. PROGRAMS/FUNCTIONS/ACTIVITIES				(b)	(c)	(d)	(e)	(f)	(g)	(h)	TOTAL
a. Net outlays previously reported				\$	\$	\$	\$	\$	\$	\$	\$
b. Total outlays this report period											
c. Less: Program income credits											
d. Net outlays this report period (Line b minus line c)											
e. Net outlays to date (Line a plus line d)											
f. Less: Non-Federal share of outlays											
g. Total Federal share of outlays (Line e minus line f)											
h. Total unliquidated obligations											
i. Less: Non-Federal share of unliquidated obligations shown on line h											
j. Federal share of unliquidated obligations											
k. Total Federal share of outlays and unliquidated obligations											
l. Total cumulative amount of Federal funds authorized											
m. Unobligated balance of Federal funds											
11. TYPE OF RATE (Place "X" in appropriate box)				a. NON-FEDERAL <input type="checkbox"/> FEDERAL <input type="checkbox"/>		b. TOTAL AMOUNT		c. FEDERAL SHARE			
a. RATE				c. BASE		d. TOTAL AMOUNT		e. FEDERAL SHARE			
12. REMARKS: Attach any explanation deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.											
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL						DATE REPORT SUBMITTED					
TYPED OR PRINTED NAME AND TITLE						TELEPHONE (Area code, number and extension)					

STANDARD FORM 289 (7-78)  
Prescribed by Office of Management and Budget  
Cir. No. A-110

Please type or print legibly. Items 1, 2, 3, 6, 7, 9, 10d, 10e, 10g, 10i, 10l, 11a, and 12 are self-explanatory, specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
4	Enter the employer identification number assigned by the U.S. Internal Revenue Service or FICE (institution) code, if required by the Federal sponsoring agency.	10c	Enter the amount of all program income realized in this period that is required by the terms and conditions of the Federal award to be deducted from total project costs. For reports prepared on a cash basis, enter the amount of cash income received during the reporting period. For reports prepared on an accrual basis, enter the amount of income earned since the beginning of the reporting period. When the terms or conditions allow program income to be added to the total award, explain in remarks, the source, amount and disposition of the income.
5	This space is reserved for an account number or other identifying numbers that may be assigned by the recipient.	10f	Enter amount pertaining to the non-Federal share of program outlays included in the amount on line e.
8	Enter the month, day, and year of the beginning and ending of this project period. For formula grants that are not awarded on a project basis, show the grant period.	10h	Enter total amount of unliquidated obligations for this project or program, including unliquidated obligations to subgrantees and contractors. Unliquidated obligations are:  Cash basis—obligations incurred but not paid;  Accrued expenditure basis—obligations incurred but for which an outlay has not been recorded.  Do not include any amounts that have been included on lines a through g. On the final report, line h should have a zero balance.
10	The purpose of vertical columns (a) through (f) is to provide financial data for each program, function, and activity in the budget as approved by the Federal sponsoring agency. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the totals of all programs, functions or activities should be shown in column (g) of the first page. For agreements pertaining to several Catalog of Federal Domestic Assistance programs that do not require a further functional or activity classification breakdown, enter under columns (a) through (f) the title of the program. For grants or other assistance agreements containing multiple programs where one or more programs require a further breakdown by function or activity, use a separate form for each program showing the applicable functions or activities in the separate columns. For grants or other assistance agreements containing several functions or activities which are funded from several programs, prepare a separate form for each activity or function when requested by the Federal sponsoring agency.	10j	Enter the Federal share of unliquidated obligations shown on line h. The amount shown on this line should be the difference between the amounts on lines h and i.
10a	Enter the net outlay. This amount should be the same as the amount reported in Line 10e of the last report. If there has been an adjustment to the amount shown previously, please attach explanation. Show zero if this is the initial report.	10k	Enter the sum of the amounts shown on lines g and j. If the report is final the report should not contain any unliquidated obligations.
10b	Enter the total gross program outlays (less rebates, refunds, and other discounts) for this report period, including disbursements of cash realized as program income. For reports that are prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, subgrantees, and other payees.	10m	Enter the unobligated balance of Federal funds. This amount should be the difference between lines k and l.
		11b	Enter rate in effect during the reporting period.
		11c	Enter amount of the base to which the rate was applied.
		11d	Enter total amount of indirect cost charged during the report period.
		11e	Enter amount of the Federal share charged during the report period.  If more than one rate was applied during the project period, include a separate schedule showing bases against which the indirect cost rates were applied, the respective indirect rates the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

STANDARD FORM 269 (BACK) (7-76)

SAMPLE FINAL FINANCIAL STATUS REPORT  
SHOWING ZERO BALANCE OF FEDERAL FUNDS  
(SEE 10.m.)

FINANCIAL STATUS REPORT <small>(Follow Instructions on the Back)</small>									
1. FEDERAL AGENCY AND ORGANIZATION (ELEMENT TO WHICH REPORT IS SUBMITTED) DOT, RSPA, Hazardous Materials Transportation Grants Office			2. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER Your Grant No.		3. FUNDING FUND NO. 00-00100		4. DATE 1 1 1995		
5. EMPLOYER IDENTIFICATION NUMBER Your EIN			6. INCIDENT ACCOUNT NUMBER OR IDENTIFYING NUMBER Your Accounting Info		7. FUNDING REPORT FUND NO. 00-00100		8. DATE 09/30/95		
9. PROJECT IDENTIFICATION NUMBER (See instructions) PROJECT IDENTIFICATION NUMBER			10. REPORTING PERIOD FROM MONTH, DAY, YEAR 07/01/94		11. REPORTING PERIOD TO MONTH, DAY, YEAR 09/30/95		12. STATUS OF FUNDS		
10. PROGRAMS/FUNCTIONS/ACTIVITIES			11. Planning Grant		12. Training Grant		13. STATUS OF FUNDS		
a. Net outlays previously reported			\$ 0		\$ 0		14. TOTAL		
b. Total outlays this report period			100,000		200,000		300,000		
c. Less: Program Income credits			0		0		0		
d. Net outlays this report period (Line b minus line c)			100,000		200,000		300,000		
e. Total outlays in date (Line a plus line d)			100,000		200,000		300,000		
f. Less: Non-Federal share of outlays			20,000		40,000		60,000		
g. Total Federal share of outlays (Line e minus line f)			80,000		160,000		240,000		
h. Total unliquidated obligations			0		0		0		
i. Less: Non-Federal share of unliquidated obligations shown on line h			0		0		0		
j. Federal share of unliquidated obligations			0		0		0		
k. Total Federal share of outlays and unliquidated obligations			80,000		160,000		240,000		
l. Total cumulative amount of Federal funds authorized			80,000		160,000		240,000		
m. Unobligated balance of Federal funds			0		0		0		
11. TYPE OF RATE (Enter "X" in appropriate box)			12. CERTIFICATION I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.		13. SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 151		14. DATE REPORT SUBMITTED 11/1/95		
12. REMARKS: Attach any explanation deemed necessary or information required by Federal agency in compliance with governing legislation.			13. TYPE OF RATE (Enter "X" in appropriate box)		14. SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 151		15. DATE REPORT SUBMITTED 11/1/95		

**49 CFR PART 110**  
**FINAL RULE**

## DEPARTMENT OF TRANSPORTATION

Research and Special Programs  
Administration

## 49 CFR Part 110

[Docket No. HM-209; Amdt. No. 110-1]

RIN 2137-AC09

Interagency Hazardous Materials  
Public Sector Training and Planning  
GrantsAGENCY: Research and Special Programs  
Administration (RSPA), DOT.

ACTION: Final rule.

**SUMMARY:** This final rule implements a reimbursable grant program to enhance existing State, Indian tribal, and local hazardous materials emergency preparedness and response programs. This final rule sets forth application procedures for the planning and training grant programs established by the Hazardous Materials Transportation Act (HMTA), as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), for grants to States for emergency response planning and to States and Indian tribes for emergency response training. This rule sets forth procedures for the reimbursable grant program, and provides the application requirements for specific public sector training and planning grants. The requirements adopted under this final rule are intended to: increase State, local, and Indian tribal effectiveness in safely and efficiently handling hazardous materials accidents and incidents; enhance implementation of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA); and encourage a comprehensive approach to emergency planning and training by incorporating response to transportation situations.

**DATES:** The effective date of the final rule is October 19, 1992. Grant applications will be accepted after that date. Initial awards will be made after November 15, 1992.

**FOR FURTHER INFORMATION CONTACT:** Charles Rogoff, HMTUSA Grants Manager, Office of the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration (RSPA), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, Telephone: 202-366-4900.

## SUPPLEMENTARY INFORMATION:

## I. Background

*A. The Hazardous Materials  
Transportation Uniform Safety Act of  
1990*

The HMTA (49 App. U.S.C. 1801 *et seq.*), as amended by HMTUSA, gives the Secretary of Transportation the regulatory authority to strengthen interagency coordination and technical assistance with respect to hazardous materials emergency response planning and training. Section 17 of HMTUSA added a new Section 117A to the HMTA entitled, "Public Sector Training and Planning". Section 117A of the HMTA creates a reimbursable grant program to provide financial and technical assistance, national direction, and guidance to enhance State and local hazardous materials emergency planning and training, and enhance overall implementation of EPCRA.

Section 117A of the HMTA requires the Secretary of Transportation to make grants to States for: Developing, improving, and implementing emergency response plans under EPCRA, including the determination of flow patterns of hazardous materials within a State and between a State and another State; and determining the need for regional hazardous materials response teams. Section 117A of the HMTA also requires the Secretary to make grants to States and to Indian tribes for training public sector employees to respond to accidents and incidents involving hazardous materials. The grant programs will increase the emphasis on transportation in ongoing efforts to improve the capability of communities to plan for and respond to the full range of potential risks posed by accidents and incidents involving hazardous materials.

This reimbursable grant program is supported by fees collected pursuant to section 117A(h) of the HMTA. Section 106 of the HMTA establishes a registration program for shippers and carriers of certain hazardous materials. On July 9, 1992, a final rule was published in the Federal Register [57 FR 30620] establishing a program to assess and collect from all persons who are required to be registered an annual fee to fund this reimbursable grant program.

*B. The Notice of Proposed Rulemaking  
(NPRM)*

On March 2, 1992, a notice of proposed rulemaking (NPRM; 57 FR 7474) was published in the Federal Register which contained requirements for two separate grant programs authorized by the HMTA, as amended by HMTUSA. The NPRM proposed to provide financial assistance to States for

emergency response planning, and to States and Indian tribes for training public sector employees to respond to hazardous materials incidents. Many of the activities eligible for funding under the two programs are closely related. Section 117A of the HMTA does not provide authority to include Indian tribes in the planning grant program. The NPRM contained requirements for reimbursement of the costs of activities that are conducted under the grant program. The purpose of the grants is to increase State, local and Indian tribal effectiveness in safely and efficiently handling hazardous materials incidents, and to enhance implementation of EPCRA.

Implementing guidance, which addresses such issues as allocation criteria, measures against which grant applications will be evaluated, explanation of certifications required, and relationship of the grant program to the national curriculum, is in development. This guidance will be included in an application package which will be provided to potential applicants following publication of this final rule.

II. Discussion of Comments Received on  
the NPRM

RSPA received over 150 comments in response to the NPRM. Comments were received from a variety of sources, including Members of Congress, State Governors, Indian tribal organizations, State and local fire and police departments, State and local emergency response planning councils, committees and agencies, Federal and State environmental agencies and commissions, other Federal, State and local government agencies, trade associations, transportation companies, and colleges and universities. The majority of the commenters supported the intent of the grants program to assist State and local governments with financial and technical assistance to develop and implement emergency response plans, and to provide training to public sector employees responding to hazardous materials emergencies, particularly those involving transportation. Several commenters opposed implementation of the grant programs for various reasons. A discussion of the comments and the actions being taken by RSPA in this final rule follows.

*Regulatory review comments.* In response to the President's January 28, 1992 announcement of a federal regulatory review, DOT published a notice on February 7, 1992, [57 FR 4744] soliciting public comments on the

Department's regulatory programs. In response to that notice, RSPA received one comment from the National Association of State Title III Program Officials (NASTTPO) on the proposed financial and technical assistance to States and Indian tribes with respect to hazardous materials emergency response planning and training grants. NASTTPO urged adoption of the final rule as soon as possible.

#### *Major Issues*

##### **A. Reimbursable Grants**

A number of commenters objected to a "reimbursable grant" program, and favored "up-front" money, or funding advances to fund the grant programs. Most of the State and local emergency response and planning organizations are opposed to the reimbursable grant procedure due to economic conditions in their States. They urged RSPA to recognize the tight budgets under which they believe most States and local governments operate. Many commenters believe it will be difficult, if not impossible, to find funds for the cost of any program conducted under the planning or training grants, and that it will be a hardship on rural States because the emergency response personnel in many of these communities are volunteers with little or no working funds. The commenters believe requiring States to fund project costs may preclude many States from participating in the award program. The State of Nebraska, Military Department, stated that, if this must be a reimbursable grant program, some up-front administrative funds should be provided so the states can implement the program and then start into the reimbursable portion. The commenters requested that RSPA promote participation in the areas with the greatest need, and develop a funding mechanism to provide federal grant funds or portions thereof in advance, rather than by reimbursement.

RSPA understands the concerns of the State and local governments and their need, at a minimum, for available start-up funds. RSPA believes that the language under HMTUSA relative to reimbursement allows advances to be made to States for emergency response planning programs, and States and Indian tribes for public sector emergency response training programs, provided the advances are consistent with the administrative requirements and grant procedures found in 49 CFR part 18. Therefore, the final rule provides that the Associate Administrator for Hazardous Materials Safety may make advances or provide working capital on a case-by-case basis

to a State or Indian tribe. Accordingly, a new paragraph (c) regarding advance funds is added to § 110.70, financial administration.

Several commenters opposed the planning and training grants program because they believe that the economic benefit to units of local government would be minimal under the grant programs, and that there is little, if anything, to be gained by providing financial and technical assistance, particularly to Local Emergency -- Planning Committees (LEPCs).

RSPA disagrees with the commenters that completely oppose the planning and training grant programs. The financial and technical assistance provided under the grant programs will increase the emphasis on emergency planning related to hazardous materials moving in transportation, and improve the capability of local jurisdictions to plan for and respond to potential risks posed by hazardous materials in transportation, as well as at fixed sites.

##### **B. Non-Federal Cost-Share**

As specified in section 117A(d) of the HMTA, RSPA proposed that a recipient provide 20 percent of the direct and indirect costs of all activities covered by the grant award, and that a recipient be prohibited from using funds expended to qualify for the grant for cost-sharing purposes. RSPA specifically requested comments on whether to accept in-kind contributions under non-federal cost-share requirements, and if so, what types.

Many commenters favored in-kind (soft-match) contributions rather than cash (hard-match) as the required 20 percent match. Several commenters pointed out that, although the NPRM proposed to require that States and Indian tribes satisfy the cost-sharing requirement with cash, there was no stipulation in HMTUSA that the non-Federal cost share be in cash. The commenters recommended that the 20% match be allowed through either cash contributions or in-kind contributions to produce a viable program.

The Arizona Emergency Response Commission (AERC) stated that most federal grant programs, e.g., the SARA Title III training grants program, utilize "in-kind" contributions. The AERC believes it would be difficult to obtain State appropriations to satisfy cost-share requirements, especially since the State has funded a state hazardous materials training and hazardous materials emergency management program for the past five years. The AERC recommended that cost-share requirements be authorized to be satisfied with "in-kind" contributions.

Many commenters believed that using existing management, support personnel, and equipment and facilities would be more cost-effective, rather than using Federal funding for new hiring, acquisition, and construction specifically for the grant award program activities.

HMTUSA did not stipulate that a hard-match was required for meeting the non-Federal cost-share requirement. An accommodative matching funds policy is appropriate to address State budget pressures and encourage participation. Accordingly, the provision for cost sharing (§ 110.60) for planning and training grants is revised to allow for either cash (hard-match) or in-kind (soft-match) contributions, or a combination of a hard and soft match. Contributions for matching or cost-sharing purposes must comply with 49 CFR part 18. A soft-match for cost sharing purposes could be, for example, the dollar equivalent value used for technical staff to support the planning effort. This should alleviate some of the most serious funding problems, and provide more opportunities for States and Indian tribes to participate in the program.

##### **c. Allocation Criteria**

Section 117A(b)(7) of the HMTA contains criteria for allocating training funds, based on need. There is no comparable provision for allocating planning funds. RSPA proposed to use the same criteria for allocating training funds, to the extent practicable, to allocate planning funds. RSPA requested comments on the factors that should be considered as allocation criteria.

The U.S. Environmental Protection Agency (EPA) recommended that a portion of the grants should be set aside for Indian tribes, and that the State allocation factors should include objective criteria, such as population, hazardous materials facilities, etc., and criteria based on performance, compliance and innovation. The EPA stated that the latter factor should be reviewed by the Interagency Coordinating Group (representing seven Federal agencies, including EPA, DOL/OSHA, DHHS/NIEHS, and DOT), and allocation criteria should be based in part on information from the monitoring and technical assistance functions carried out in the field. RSPA concurs with EPA on this issue as it pertains to training grants, and the Interagency Coordinating Group is currently working to fully develop objective allocation criteria. The restriction on allocation of planning grants to Indian tribes is discussed in paragraph D.

One commenter stated that the proposed training grant program fails, in allocating grant funds, to place sufficient emphasis on the needs of the entity seeking funds. The commenter went on to suggest that needs-based tests should be determined through a comprehensive cost-benefit analysis of each proposed project. In HMTUSA, one of the stated findings of the Congress is "... 1,500,000 emergency response personnel need better basic or advanced training for responding to the unintentional release of hazardous materials ... RSPA agrees that there is a clear need for training of emergency response personnel. In addition, RSPA anticipates that the most needy projects will be clearly identified through hazard-specific information which must be provided by an applicant and considered in the grant award process. Therefore, applicants are not required to submit a cost-benefit analysis.

Commenters were concerned that funds be distributed fairly. Several commenters stated that the allocation criteria specified in the NPRM are vague, that the factors should be heavily weighted with regard to need, and that the list of criteria proposed to be used excludes the most needy States. In addition to the allocation criteria proposed in the NPRM, several commenters proposed other criteria, including: population within a given State Emergency Response Commission's (SERC) or Local Emergency Planning Committees' (LEPC) jurisdictional area, as appropriate; equal division of funds on a per capita basis; State or local population density; whether a municipality has a dedicated hazardous materials response team; a system that would more closely match potential risk with available resources; the ratio of volunteer responders to paid responders; natural and cultural resources at risk; and degree of hazard or risk of the hazardous material moving in transportation. Generally, most commenters urged flexibility as the guiding principle in allocating funds, and recognition of the differences between the States.

RSPA will consider several factors in allocating funds. Some factors under review are the number of hazardous materials facilities, types and amounts of hazardous materials transported, population at risk, frequency and number of incidents recorded in past years, high mileage transportation corridors, whether the State or Indian tribe assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees

are used solely to carry out purposes related to the transportation of hazardous materials. RSPA will use these factors to the extent practicable in allocating both planning and training funds.

One commenter suggested that the rule should specifically prohibit the award of a grant in instances where there is no clear demonstration that State-levied hazardous materials fees are being used as required by HMTUSA section 13(b). Section 110.30(a)(4) of this final rule requires applicants to provide information on the assessment, collection and disposition of State, local or Indian tribe imposed fees on the transportation of hazardous materials. RSPA is sensitive to the issue raised by this commenter and will carefully consider that information in its grants-review process. However, it is not necessary to revise the rule in the manner suggested by the commenter.

Section 117A(a)(3) of the HMTA requires that not less than 75 percent of planning grant funds be made available to State LEPCs. The Texas Division of Emergency Management stated that RSPA must recognize and incorporate state emergency planning concepts and requirements in the certification process. In Texas, the LEPCs do not generate plans. Rather, that is a function of counties and cities. Also, most of those LEPCs lack the fiscal infrastructure to adequately control public funds. The commenter suggested that the rule be revised to also permit authorized agents of LEPCs to be identified as the legal subgrantee designated to receive and expend funds on behalf of the LEPC to meet the intent of the law. RSPA recognizes that many LEPCs depend on associated organizations for administrative support. Therefore, RSPA will accept planning grant applications which adequately demonstrate that, in lieu of direct LEPC funding, funds are provided for LEPC-directed projects.

#### D. Exclusion of Indian Tribes From Planning Grant Program

Several commenters, including some Indian tribes, recommended that Indian tribes be included in the planning grant program. The commenters believe that funding training without providing funds for planning will prevent effective implementation of emergency response preparedness programs, which could create an incomplete response capability.

Section 117A(a)(1) of the HMTA specifies that the Secretary shall make grants to the States and makes no reference to Indian tribes, in contrast to section 117A(a)(2), which explicitly provides for training grants to both

States and Indian tribes. The two terms are defined in section 103 of the HMTA. Therefore, RSPA does not have the authority to make planning grants to Indian tribes.

#### E. Maintenance of Effort Requirement

Some commenters were concerned that the proposed requirement for a recipient to maintain expenditures at a level not less than the average level of its expenditures for the last two fiscal years, coupled with the proposed requirement for a 20 percent matching share, would make it difficult for States and Indian tribes to qualify for grants. Most commenters favor relaxation of the two-fiscal year aggregate funding requirements.

Section 117A of the HMTA requires that a State or Indian tribe certify its maintenance of a certain expenditure level in order to receive a grant. Therefore, RSPA does not have discretion in this matter. However, RSPA is providing some flexibility in this final rule by allowing in-kind (soft match) contributions.

#### F. National Curriculum

A National Curriculum is being developed for use in training public sector employees to respond safely and efficiently to accidents and incidents involving hazardous materials. Although several commenters opposed the development of the National Curriculum, the HMTA requires that grant recipients certify that they will use it.

One commenter was concerned that development of the National Curriculum will not give adequate consideration to current training programs and courses conducted at the State or local level, and that the Federal Government's development of a National Curriculum may delay the award of training grants. RSPA acknowledges that development of a National Curriculum will require a considerable amount of time as fields of study and candidate courses are reviewed and evaluated. However, we anticipate a significant number of those candidate courses will come from current State and local emergency response training programs. Additional guidance in this matter will be included with implementing instructions which RSPA will forward to grant applicants and, upon request, to other interested persons.

#### G. Grant Mechanism and Administrative Requirements

Several commenters opposed the use of 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State



and Local Governments". RSPA proposed that recipients of planning or training grants comply with 49 CFR part 18, and other DOT regulations incorporated by reference in 49 CFR part 18.

Several commenters stated that the proposed grant application process ignores an existing grant application and management system, Federal Emergency Management Agency's (FEMA) Comprehensive Cooperative Agreement (CCA) system. These commenters believe that it would be a duplication of effort to establish and maintain a separate grant system for HMTA grants. They stated that the proposed grant mechanism and administrative requirements impose a significant administrative burden which could more readily be assimilated under FEMA's CCA process.

Although there are many positive features in the existing CCA process, RSPA identified a number of areas where the CCA process would not meet program needs. Although some of these areas could be adjusted to accommodate legal or program requirements, such as the proposed use of multi-year scopes of work, others could not be changed without compromising the CCA structure itself. RSPA had to determine whether the CCA process, which serves over 26 established programs, would easily accommodate RSPA's grant programs, or whether another process was needed to fully meet RSPA's legal and programmatic requirements. Another factor RSPA considered was its commitment to low cost grant administration with minimal oversight of State or Indian tribal program management.

Under the CCA structure, RSPA review and participation would have to be completed before negotiations began. All negotiations on grant awards would be performed by FEMA Regional Directors within a predetermined time frame to coincide with the regional discussions with the State agencies on other components of the CCA. RSPA participation in that process would jeopardize the schedule for award of the other CCA grants. Therefore, RSPA determined that the CCA process would not be responsive to RSPA's legal and programmatic requirements and has decided to retain management of the grant programs within the Department of Transportation. To minimize duplication and to ensure efficient administration, RSPA will utilize a small staff in anticipation of continuing support from existing FEMA and EPA

hazardous materials staff in headquarters and the regions.

### III. Key Features of the Reimbursable Grant Program and Discussion of Additional Related Comments

#### A. The Planning Grant Program

Planning grants may be made to reimburse States for: (1) Developing, improving, and implementing emergency plans under EPCRA; (2) determining the flow patterns of hazardous materials within a State and between a State and another State; and (3) determining the need for regional hazardous materials emergency response teams.

To qualify for a planning grant, a State must: (1) Certify that it is complying with Sections 301 and 303 of EPCRA; (2) certify that it will maintain the aggregate expenditure of funds for its last two fiscal years for developing, improving, and implementing emergency plans under EPCRA; and (3) agree to make at least 75 percent of the Federal funds provided available to LEPCs established pursuant to section 301(c) of EPCRA.

#### B. The Training Grant Program

Training grants may be made to reimburse States and Indian tribes for training public sector employees to respond to emergencies involving hazardous materials. The term "public sector employee," as defined in HMTUSA, is not repeated in this rulemaking. However, that definition is applicable to the term in each instance that it appears in part 110, as well as subsequent guidance documents issued by the HMTUSA Grants Manager. Several commenters suggested that the term be added to § 110.20 (Definitions), and one commenter wanted the definition expanded to specifically include State Troopers and Emergency Medical Service (EMS) personnel. The definition is broad and applies to all categories of public sector personnel routinely called upon to assist in emergency response activities. Thus, State Troopers and EMS personnel are public sector employees.

To qualify for a training grant, a State must: (1) Certify that it is complying with sections 301 and 303 of the EPCRA; (2) certify that it will maintain the aggregate expenditure of funds for its last two fiscal years for training public sector employees to respond to accidents and incidents involving hazardous materials; (3) agree to make at least 75 percent of the Federal funds provided available for the purpose of training such employees either employed or used by political subdivisions; and (4) agree to use

courses consistent with the National Curriculum developed under section 117A(g).

To qualify for a training grant, an Indian tribe must: certify that it will maintain the aggregate expenditure of funds for each of its last two fiscal years for training public sector employees to respond to accidents and incidents involving hazardous materials; and agree to use courses consistent with the National Curriculum.

#### C. Relationship to the EPCRA

Section 117A(a)(1) of the HMTA requires RSPA to provide financial assistance to States for emergency response planning called for under EPCRA. States, in turn, are required to make at least 75 percent of the Federal funds available to LEPCs. A State may not receive a planning or training grant unless it certifies compliance with sections 301 and 303 of EPCRA. RSPA will accept self-certification of a State's current status and progress in achieving compliance.

RSPA is requiring, with respect to section 301, that an applicant certify that a SERC has been established, emergency planning districts have been designated, and LEPCs have been appointed by the SERC. The applicant must describe the status of the LEPCs' emergency response plans and their compliance with EPCRA section 303. Section 117A of the HMTA does not require Indian tribes to make these assurances.

#### D. Financial Issues

This final rule requires the States to make available (pass-through) 75 percent of the planning funds to LEPCs, and at least 75 percent of the benefits for training public sector employees employed or used by the political subdivisions. HMTA does not require Indian tribes to make this assurance for training purposes. States may pass-through funding to a local political subdivision for training public sector employees. If a State elects to conduct training itself, assurances must be provided that the training will in fact benefit public sector employees at the local level.

States and Indian tribes must contribute a matching share to any grant awarded. The cost-share requirement for both planning and training is 20 percent. RSPA will allow States and Indian tribes to satisfy the cost-sharing requirement with approved third party in-kind contributions consistent with 49 CFR 18.24. Funds may be used to carry out activities eligible for funding as specified in 49 CFR 110.40. Procurement

of operational equipment to be used in response actions is excluded from consideration for funding under this grant program.

Several commenters were concerned that the restriction on procurement of operational equipment may be too narrowly interpreted. They recommended that RSPA specifically identify expendable materials and equipment that may be procured in support of planning and training projects. The final rule is not revised to reflect that level of detail in activities eligible for funding. However, RSPA clearly recognizes that it must permit procurements of a variety of planning and training aids required to achieve basic goals and objectives of most projects funded under this grant program. The restriction applies to the procurement of operational equipment that is intended primarily for use in actual emergencies.

RSPA expects to make the first round of funding decisions in December 1992. Thereafter, decisions will be made on all applications pending in RSPA on January and July 1st of each year. Decisions on grant awards will be made within a reasonable time of receipt of grant application. RSPA will receive and review applications and make grant awards from its Washington, D.C. offices. Preapplication support, including assistance from other cooperating Federal agencies, will commence on the date this final rule is published.

#### IV. Role of Other Federal Agencies in the Implementation of Section 117A of HMTA.

RSPA holds delegated authority for administering the grant program. Representatives of the EPA and FEMA will assist RSPA in reviewing planning and training grant applications.

FEMA, in coordination with DOT, EPA, DOE, and NIEHS, will monitor public sector emergency response training and planning for accidents and incidents involving hazardous materials. These same agencies will provide technical assistance to States, political subdivisions and Indian tribes, and assist RSPA in developing and periodically updating the National Curriculum.

#### V. The Grant Mechanism and Administrative Requirements

Federal agencies collectively issued the "common rule". The Office of Management and Budget (OMB) issued a revised OMB Circular A-102 that provided guidance to Federal agencies in the development of the "common rule". DOT implemented the "common rule" through 49 CFR part 18,

establishing uniform and administrative rules for Federal grants and cooperative agreements to State, local and Indian tribal governments.

RSPA is required to comply with these administrative and procedural requirements. Consequently, recipients of section 117A planning and training grants must comply with the provisions under 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", as well as other regulations incorporated by reference under this Part, pertaining to grants.

RSPA is encouraging submission of applications for multi-year projects from States and Indian tribes. However, an applicant may elect to apply for a grant on an annual basis for a specific project. Under the multi-year project approach, activities approved in a scope of work will be funded for one-year budget periods. Subsequent budget periods will be funded subject to availability of funds, satisfactory progress, and in accordance with the schedule of project activities authorized in the grant.

Performance reports must be submitted upon the completion of budget periods or upon completion of activities/projects for which reimbursement is being requested. Recipients must report on planning and training separately. Before proceeding with the next budget period or set of activities, recipients are required to provide a performance report.

Recipients must submit quarterly financial reports which will also be used for reimbursement. Except for advance funds, a recipient may be permitted to carry unexpended obligations from one year to the next. Carryover funds would provide recipients flexibility in the use of grant funds and, generally, expands the amount of funding which could be made available for planning and training grant programs. RSPA may reallocate resources if carryover spending authority is not used within one calendar year after receipt of grant award. Grant recipients may petition RSPA to waive non-statutory requirements that are not applicable to their circumstances.

Planning and training are two parts of a comprehensive national grant program; applicants are encouraged to request funds to conduct one or both in a single application package. RSPA will award funds for both in one award agreement. However, since both components are funded separately by a special registration fee program, RSPA has a fiduciary responsibility to obligate and account for planning and training funds separately. Recipients must rely

on their own procurement methods unless they conflict with Federal laws and standards as defined in 49 CFR part 18.

#### VI. Section-by-Section Review

**Section 110.1.** This section implements a reimbursable grant program for both planning and training activities.

**Section 110.5.** This section prescribes requirements on the applicability of the training and planning grants, and administrative procedures.

**Section 110.7.** This section contains the Office of Management and Budget (OMB) control number for the information collection contained in this part.

**Section 110.10.** This section specifies who is eligible to apply for training and planning grants under this part.

**Section 110.20.** This section includes definitions of terms under part 110. For clarity, certain terms have been changed, as follows: "cost analysis" is changed to read "cost review", and "funding period" is changed to read "budget period".

**Section 110.30.** This section specifies grant application requirements and procedures, and includes information on where grant applications must be submitted. Also, January 1st and July 1st of each year are specified as deadlines for the filing of applications which will be considered in the semi-annual review and award process. To expedite implementation of this grant program, an initial award of grants will consider applications received on or before October 1, 1992.

**Section 110.40.** This section contains requirements on the types of activities which are eligible for funding under the grant programs prescribed in this Part. Several changes were made to proposed paragraph (a) in response to a comment that certain proposed activities go beyond the scope of the grant program established under HMTUSA. The changes are as follows: paragraph (a)(4) is revised by removing the words "to determine the distribution of Federal funds under the grant" since they suggest that a capabilities assessment is intended primarily to justify the awarding of a grant; paragraph (a)(5) is removed because it focused on awareness levels of the general public, rather than public sector employees; paragraph (a)(6) for planning is changed to paragraph "(a)(5)", and revised to change the reference to "RSPA" to read the "Associate Administrator for Hazardous Materials Safety"; in paragraph (a)(7) the last sentence is unnecessary and therefore deleted, and paragraph (a)(7) is changed to paragraph

"(a)(6)"; and paragraph (a)(8) is changed to paragraph "(a)(7)". Proposed paragraph (b)(6) for training has been revised to change the reference to "RSPA" to read the "Associate Administrator for Hazardous Materials Safety".

**Section 110.50.** This section prescribes requirements for disbursement of Federal funds. Proposed paragraph (a) of this section was changed for clarity to read: "Preaward expenditures may not be reimbursed."

**Section 110.60.** This section specifies requirements for cost sharing for planning and training grants under this Part. This section allows use of in-kind (soft-match) contributions for cost sharing purposes.

**Section 110.70.** This section prescribes requirements for financial administration and accounting procedures of the grant programs. Paragraph (c) is changed to (d), and a new paragraph (c) on advances is added to this section.

**Section 110.80.** This section specifies that procurement procedures must be used which reflect applicable State laws and regulations and Federal requirements under 49 CFR Part 18.

**Section 110.90.** This section prescribes requirements for monitoring, reports, and record retention for grant award recipients under this Part.

**Section 110.100.** This section specifies the requirements for enforcement of the terms of a grant award if a recipient fails to comply. In this proposed section, the reference to "RSPA" is changed to read "Associate Administrator for Hazardous Materials Safety".

**Section 110.110.** This section specifies after-grant requirements for closing out awards. In this proposed section, the reference to "RSPA" is changed to read "Associate Administrator for Hazardous Materials Safety".

**Section 110.120.** This section specifies requirements for requesting non-statutory deviations of this Part. In this proposed section, the reference to "RSPA" is changed to read "Associate Administrator for Hazardous Materials Safety." The address where requests for deviations must be submitted is added to this section.

**Section 110.130.** This section prescribes requirements for resolving disputes. In this proposed section, the reference to "RSPA" is changed to read "Administrator, RSPA".

## VII. Rulemaking Analyses and Notices

### A. Executive Order 12291 and DOT Regulatory Policies and Procedures

RSPA has determined that this final rule is not a "major rule" under

Executive Order 12291. The final rule is not considered a significant rule under DOT's Regulatory Policies and Procedures ("the Procedures"; 44 FR 11034; February 26, 1979). In accordance with the Procedures, RSPA has determined that preparation of a Regulatory Evaluation is not necessary because the costs of the regulation are expected to be minimal.

### B. Regulatory Flexibility Act

RSPA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### C. Executive Order 12612

The rule has been reviewed in accordance with Executive Order 12612 ("Federalism"). The HMTA specifies that States may apply for grants if they meet certain statutory criteria. The rule will implement the statutory requirements at a minimum level. The Federal-State relationship will be enhanced as a result of the grant funding provided. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

### D. Paperwork Reduction Act

The new requirements for information collection have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) under OMB control number 2137-0586 (expiration date: May 31, 1995). The information requirements for this rule are the same as those set forth for most Federal grant programs and are consistent with OMB Circular A-102.

### E. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

### F. National Environmental Policy Act

RSPA has evaluated this regulation in accordance with its procedures for ensuring full consideration of the environmental impacts of DOT actions as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, executive orders, and DOT Order 5810.1C. This final rule meets the

criteria that establish it as a non-major action for environmental purposes.

### List of Subjects in 49 CFR Part 110

Disaster assistance, Education, Emergency preparedness, Grant programs—Environmental protection, Grant programs—Indians, Hazardous materials transportation, Hazardous substances, Indians, Reporting and recordkeeping requirements.

In 49 CFR, a new part 110 is added to read as follows:

## PART 110—HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING GRANTS

Sec.	Purpose.
110.1	Scope.
110.5	Control Number under the Paperwork Reduction Act.
110.7	Eligibility.
110.10	Definitions.
110.20	Grant application.
110.30	Activities eligible for funding.
110.40	Disbursement of Federal funds.
110.50	Cost sharing for planning and training.
110.60	Financial administration.
110.70	Procurement.
110.80	Grant monitoring, reports, and records retention.
110.90	Enforcement.
110.100	After-grant requirements.
110.110	Deviation from this part.
110.120	Disputes.
110.130	

1. The authority citation for Part 110 is added to read as follows:

Authority: 49 App. U.S.C. 1815; 49 CFR Part 1.

### § 110.1 Purpose.

This part sets forth procedures for reimbursable grants for public sector planning and training in support of the emergency planning and training efforts of States, Indian tribes, and local communities to deal with hazardous materials emergencies, particularly those involving transportation. These grants will enhance the implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001).

### § 110.5 Scope.

(a) This part applies to States and Indian tribes and contains the program requirements for public sector training and planning grants to support hazardous materials emergency planning and training efforts.

(b) The requirements contained in 49 CFR part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", apply to grants issued under this Part.

(c) Copies of standard forms and OMB circulars referenced in this part are available from the HMTUSA Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington DC. 20590-0001.

**§ 110.7 Control Number under the Paperwork Reduction Act.**

The Office of Management and Budget control number assigned to collection of information in §§ 110.30, 110.70, 110.80, and 110.90 is 2137-0586.

**§ 110.10 Eligibility.**

This Part applies to States and Indian tribes. States may apply for planning and training grants. Federally-recognized Indian tribes may apply for training grants.

**§ 110.20 Definitions.**

Unless defined in this Part, all terms defined in Section 103 of the Hazardous Materials Transportation Act (HMTA) (49 App. U.S.C. 1802) are used in their statutory meaning and all terms defined in 49 CFR Part 18 and OMB Circular A-102, with respect to administrative requirements for grants, are used as defined therein. Other terms used in this Part are defined as follows:

*Allowable costs* means those costs that are: eligible, reasonable, necessary, and allocable to the project permitted by the appropriate Federal cost principles, and approved in the grant.

*Budget period* means the period of time specified in the grant agreement during which the project manager may expend or obligate project funds.

*Cost review* means the review and evaluation of costs to determine reasonableness, allocability, and allowability.

*Indian country* means Indian country as defined in 18 U.S.C. 1151. That section defines Indian country as all land within the limits of any reservation under the jurisdiction of the U.S. Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Indian tribe* means a tribe "Federally-recognized" by the Secretary of the Interior under 25 CFR 272.2.

*Local Emergency Planning Committee (LEPC)* means a committee appointed by the State Emergency Response Commission under Section 301(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001(c)) that includes at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, firefighting, civil defense, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the emergency planning requirements.

*National curriculum* means the curriculum required to be developed under Section 117A of HMTA and necessary to train public sector emergency response and preparedness teams, enabling them to comply with performance standards as stated in Section 117A(g)(4).

*Political subdivision* means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government.

*Project* means the activities and tasks identified in the grant agreement.

*Project manager* means the State or Indian tribal official designated in a grant as the recipient agency's principal program contact with the Federal Government.

*Project officer* means the Federal official designated in a grant as the program contact with the project manager. The project officer is responsible for monitoring the project.

*Project period* means the length of time specified in a grant for completion of all work associated with that project.

*State Emergency Response Commission (SERC)* means the State Emergency Response Commission appointed by the Governor of each State and Territory under the Emergency Planning and Community Right-to-Know Act of 1986.

*Statement of Work* means that portion of a grant that describes the purpose and scope of activities and tasks to be carried out as part of the proposed project.

**§ 110.30 Grant application.**

(a) *General.* An applicant for a planning or training grant shall use only

the standard application forms approved by the Office of Management and Budget (OMB) (SF-424 and SF-424A) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3502). Applicants are required to submit an original and two copies of the application package to: HMTUSA Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590-0001. Applications received on or before January 1st and July 1st of each year will be considered in that cycle of the semi-annual review and award process. An initial round of the review and award process will consider applications received on or before November 15, 1992. Requests and continuation applications must include an original and two copies of the affected pages; previously submitted pages with information that is still current do not have to be resubmitted. The application must include the following:

(1) Application for Federal Assistance for non-construction programs (SF-424) and Budget sheets (SF-424A). A single application may be used for both planning and training if the budgets for each are entered separately on all budget sheets.

(2) For States, a letter from the Governor designating the State agency that is authorized to apply for a grant and to provide the written certifications required to receive a grant.

(3) For Indian tribes, a letter from the tribal government, governing body, or tribal council to the effect that the applicant is authorized to apply for a grant and to provide the written certifications required to receive a grant.

(4) A written statement explaining whether the State or tribe assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials.

(5) A statement designating a project manager and providing the name, position, address and phone number of that individual who will be responsible for coordinating the funded activities with other agencies/organizations.

(6) A project narrative statement of the goals and objectives of the proposed project, project design, and long range plans. The proposed grant project and budget periods may be one or more years.

(7) A statement of work in support of the proposed project that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types

of deliverables and products to be completed, and a schedule for implementation.

(8) A description of the major items of costs needed to implement the statement of work and a copy of any cost or price analysis if conducted.

(9) *Drug-Free Workplace Certification.* The applicant must certify as specified in appendix C of 49 CFR part 29 that it will comply with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 51 U.S.C. 701 et seq.).

(10) *Anti-Lobbying Certification.* The applicant must certify as specified in appendix A of 49 CFR part 20 that no Federal funds will be expended to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress (section 319 of Pub. L. 101-121, 31 U.S.C. 1352).

(11) *Debarment and Suspension Certification.* The applicant must certify as specified in subpart G of 49 CFR part 29 that it will not make an award or permit any award to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

(b) *Planning.* In addition to the requirements specified in paragraph (a) of this section, eligible State applicants must include the following in their application package:

(1) A written certification that the State is complying with sections 301 and 303 of the Emergency Planning and Community Right-to-Know Act of 1986, including a brief explanation of how compliance has been achieved.

(2) A written statement specifying the aggregate expenditure of funds of the State, exclusive of Federal funds, for each of its last two fiscal years for developing, improving, and implementing emergency plans under the Emergency Planning and Community Right-to-Know Act of 1986, including an explanation specifying the sources of these funds. A written certification that the State's aggregate expenditures, as defined by the State, of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last two fiscal years. The applicant may not claim any of these expenditures for cost-sharing.

(3) A written statement agreeing to make at least 75 percent of the Federal funds awarded available to LEPCs and an explanation of how the applicant intends to make such funds available to them for developing, improving, or implementing emergency plans.

(4) Designation of a project manager to serve as contact for coordinating planning funds under this program.

(5) A project narrative statement of the goals and objectives of each proposed project, including the following:

(i) A background statement describing the applicant's long-term goals and objectives with respect to:

(A) The current abilities and authorities of the applicant's program for preparedness planning;

(B) The need to sustain or increase program capability;

(C) Current degree of participation in or intention to assess the need for a regional hazardous materials emergency response team; and

(D) The impact that the grant will have on the program.

(ii) A discussion of whether the applicant's program currently knows, or intends to assess, transportation flow patterns of hazardous materials within the State and between that State and another State.

(iii) A schedule for implementing the proposed grant activities.

(iv) A statement describing the ways in which planning will be monitored by the project manager.

(v) A statement indicating that all members of the State Emergency Response Commission were provided the opportunity to review the grant application.

(c) *Training.* In addition to the requirements specified in paragraph (a) of this section, eligible State and Indian Tribe applicants must include the following in their application package:

(1) For a State applicant, a written certification explaining how the State is complying with sections 301 and 303 of the Emergency Planning and Community Right-to-Know Act.

(2) A written statement specifying the aggregate expenditure of funds of the State or Indian tribe, exclusive of Federal funds, for each of its last two fiscal years for training public sector employees to respond to accidents and incidents involving hazardous materials, including an explanation specifying the sources of these funds. A written certification that the applicant's aggregate expenditure, as defined by the State or tribe, of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last two fiscal years. The applicant may not claim any of these expenditures for cost-sharing purposes.

(3) For a State applicant, a written statement agreeing to make at least 75 percent of the Federal funds awarded available for the purpose of training

public sector employees employed or used by political subdivisions. A State applicant may elect to pass all or some portion of the grant on to political subdivisions for this purpose. The applicant must include a specific explanation of how it intends to meet this requirement.

(4) Designation of a primary point of contact for coordinating training funded under this program. Identification of a single repository for copies of course materials delivered under the grant as specified in § 110.90 of this part.

(5) A project narrative statement of the long-range goals and objectives of each proposed project, including the following:

(i) A background statement describing:

(A) The current hazardous materials training program(s);

(B) Training audience, including numbers and levels of training and accreditation program for each level or criterion required to advance to the next level;

(C) Estimated total number of persons to be trained under the proposed project;

(D) The ways in which training grants will support the integrated delivery of training to meet the needs of individualized geographic and resource needs and time considerations of local responders. When appropriate, a statement describing how the proposed project will accommodate the different training needs for rural versus urban environments; and

(E) The impact that the grant and the National Curriculum will have on the program.

(ii) A statement describing how the National Curriculum will be used or modified to train public sector employees at the local level to respond to accidents and incidents involving hazardous materials.

(iii) A statement describing the ways in which effectiveness of training will be monitored by the project manager, including, but not limited to, examinations, critiques, and instructor evaluations.

(iv) A schedule for implementing the proposed training grant activities.

(v) A statement indicating that all members of the State or Tribal Emergency Response Commission were provided the opportunity to review the grant application.

§ 110.40 Activities eligible for funding.

(a) *Planning.* Eligible State applicants may receive funding for the following activities:

(1) Development, improvement, and implementation of emergency plans

required under the Emergency Planning and Community Right-to-Know Act of 1986, as well as exercises which test the emergency plan. Enhancement of emergency plans to include hazard analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials.

(2) An assessment to determine flow patterns of hazardous materials within a State, between a State and another State or Indian country, and development and maintenance of a system to keep such information current.

(3) An assessment of the need for regional hazardous materials emergency response teams.

(4) An assessment of local response capabilities.

(5) Conduct of emergency response drills and exercises associated with emergency preparedness plans.

(6) Provision of technical staff to support the planning effort.

(7) Additional activities the Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project plan and approved in the grant.

(b) *Training.* Eligible State and Indian tribe applicants may receive funding for the following activities:

(1) An assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum.

(2) Delivery of comprehensive preparedness and response training to public sector employees. Design and delivery of preparedness and response training to meet specialized needs. Financial assistance for trainees and for the trainers, if appropriate, such as tuition, travel expenses to and from a training facility, and room and board while at the training facility.

(3) Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans.

(4) Expenses associated with training by a person (including a department, agency, or instrumentality of a State or political subdivision thereof or an Indian tribe) and activities necessary to monitor such training including, but not limited to examinations, critiques and instructor evaluations.

(5) Provision of staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders.

(6) Additional activities the Associate Administrator for Hazardous Materials

Safety deems appropriate to implement the scope of work for the proposed project and approved in the grant.

#### § 110.50 Disbursement of Federal funds.

(a) Preaward expenditures may not be reimbursed.

(b) Reimbursement may not be made for a project plan unless approved in the grant award.

(c) If a recipient agency seeks additional funds, the amendment request will be evaluated on the basis of needs, performance and availability of funds. An existing grant is not a commitment of future Federal funding.

#### § 110.60 Cost sharing for planning and training.

(a) The recipient agency must provide 20 percent of the direct and indirect costs of all activities covered under the grant award program with non-Federal funds. Recipients may either use cash (hard-match), in-kind (soft-match) contributions, or a combination of in-kind plus hard match to meet this requirement. In-kind (soft-match) contributions are in addition to the maintenance of effort required of recipients of grant awards. The types of contributions allowed are as follows:

(1) Any funds from a State, local, or other non-Federal source used for an eligible activity as defined in § 110.40 in this part.

(2) The dollar equivalent value of an eligible activity as defined in § 110.40 of this part provided by a State, local, or other non-Federal source.

(3) The value of participants' salary while attending a planning or training activity contained in the approved grant application provided by a State, local, or other non-Federal source.

(4) Additional types of in-kind contributions the Associate Administrator for Hazardous Materials Safety deems appropriate.

(b) Funds used for matching purposes under any other Federal grant or cooperative agreement may not be used for matching purposes. The funds expended by a recipient agency to qualify for the grant may not be used for cost-sharing purposes.

(c) Acceptable contributions for matching and cost sharing purposes must conform to 49 CFR Part 18.

#### § 110.70 Financial administration.

(a) A State must expend and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subgrantees and cost-type contractors, must be sufficient to:

(1) Permit the preparation of reports required by 49 CFR Part 18 and this Part, including the tracing of funds provided for planning to a level of expenditure adequate to establish that at least 75 percent of the funds provided were made available to LEPCs for developing, improving, and implementing emergency plans; and the tracing of funds provided for training to a level of expenditure adequate to establish that at least 75 percent of the funds provided were made available for the purposes of training public sector employees employed or used by political subdivisions.

(2) Permit the tracing of funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

(b) The financial management systems of Indian tribes and any subgrantees must meet the standards of 49 CFR 18.20, including the ability to trace funds provided for training to a level of expenditure adequate to establish that at least 75 percent of the funds provided were made available for the purposes of training public sector employees employed or used by political subdivisions.

(c) Advances shall be made to States and Indian tribes consistent with 49 CFR part 18 and 31 CFR part 205. The Associate Administrator for Hazardous Materials Safety shall base these advances on demonstrated need, which will be determined on a case-by-case basis, considering such factors as State/Tribal budget constraints and reductions in amounts budgeted for hazardous materials activities. To obtain an advance, a State or Indian tribe must comply with the following requirements:

(1) A letter from the Governor or Tribal leader or their designee is required specifying the extenuating circumstances requiring the funding advance for the grant;

(2) The maximum advance request may not be more than \$25,000 for each State or Indian tribe;

(3) Recipients of advance funding must obligate those funds within 3-months of receipt;

(4) Advances including interest will be deducted from the initial reimbursement to the State or Indian tribe; and

(5) The State or Indian tribe will have its allocation of current grant funds reduced and will not be permitted to apply for future grant funds until the advance is covered by a request for reimbursement. For example, if \$25,000 is advanced for personnel costs, this advance would be deducted from the

initial reimbursement in the year the advance was made.

(d) To be allowable, costs must be eligible, reasonable, necessary, and allocable to the approved project in accordance with OMB Circular A-87 and included in the grant award. Costs incurred prior to the award of any grant are not allowable. Recipient agencies are responsible for obtaining audits in accordance with the Single Audit Act of 1984 (31 U.S.C. 7501), 49 CFR part 90, and OMB Circular A-128. Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits. The Associate Administrator for Hazardous Materials Safety may audit a recipient agency at any time.

#### § 110.80 Procurement.

Project managers shall use procurement procedures and practices which reflect applicable State laws and regulations and Federal requirements as specified in 49 CFR 18.36.

#### § 110.90 Grant monitoring, reports, and records retention.

(a) *Grant monitoring.* Project managers are responsible for managing the day-to-day operations of grant, subgrant and contract-supported activities. Project managers must monitor performance of supported activities to assure compliance with applicable Federal requirements and achievement of performance goals. Monitoring must cover each program, function, activity, or task covered by the grant. Monitoring and reporting requirements for planning and training are contained in this Part; general grant reporting requirements are specified in 49 CFR 18.40.

(b) *Reports.* (1) The project manager shall submit a performance report at the completion of an activity for which reimbursement is being requested or with a request to amend the grant. The final performance report is due 90 days after the expiration or termination of the grant.

(2) Project managers shall submit an original and two copies of all performance reports. Performance reports for planning and training must include comparison of actual accomplishments to the stated goals and

objectives established for the performance period, and the reasons for not achieving those goals and objectives, if applicable.

(3) Project managers shall report developments or events that occur between the required performance reporting dates which have significant impact upon the planning and training activity such as:

(i) Problems, delays, or adverse conditions which will impair the ability to meet the objective of the grant; and

(ii) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

(4) Financial reporting, except as provided in § 110.70 and 49 CFR 18.41, shall be supplied quarterly using Standard Form 270, Request for Advance or Reimbursement, to report the status of funds. The project manager shall report separately on planning and training.

(c) *Records retention.* In accordance with 49 CFR 18.42, all financial and programmatic records, supporting documents, statistical records, training materials, and other documents generated under a grant shall be maintained by the project manager for three years from the date the project manager submits the final financial status report (SF 269) or Request for Advance or Reimbursement (SF 270). The project manager shall designate a repository and single-point of contact for planning and for training, or both, for these purposes. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

#### § 110.100 Enforcement.

If a recipient agency fails to comply with any term of an award (whether stated in a Federal statute or regulation, an assurance, a State plan or application, a notice of award, or elsewhere) a noncompliance action may be taken as specified in 40 CFR 18.43. The recipient agency may appeal any such actions as specified in 49 CFR part

18. Costs incurred by the recipient agency during a suspension or after termination of an award are not allowable unless the Associate Administrator for Hazardous Materials Safety authorizes it in writing. Grant awards may be terminated in whole or in part with the consent of the recipient at any agreed upon effective date, or by the recipient upon written notification.

#### § 110.110 After-grant requirements.

The Associate Administrator for Hazardous Materials Safety will close out the award upon determination that all applicable administrative actions and all required work of the grant are complete in accordance with Subpart D of 49 CFR part 18. The project manager must submit all financial, performance, and other reports required as a condition of the grant, within 90 days after the expiration or termination of the grant. This time frame may be extended by the Associate Administrator for Hazardous Materials Safety for cause.

#### § 110.120 Deviation from this part.

Recipient agencies may request a deviation from the non-statutory provisions of this part. The Associate Administrator for Hazardous Materials Safety will respond to such requests in writing. If appropriate, the decision will be included in the grant agreement. Request for deviations from Part 110 must be submitted to: HMTUSA Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590-0001.

#### § 110.130 Disputes.

Disputes should be resolved at the lowest level possible, beginning with the project manager and the project officer. If an agreement cannot be reached, the Administrator, RSPA, will serve as the dispute resolution official, whose decision will be final.

Issued in Washington, DC, on August 24, 1992, under authority delegated in 49 CFR part 106, appendix A.

Douglas B. Ham,

Acting Administrator, Research and Special Programs Administration.

[FR Doc. 92-22220 Filed 9-16-92; 8:45 am]

BILLING CODE 4910-60-M

## **LIST OF APPLICABLE DOT REGULATIONS**



## ***LIST OF APPLICABLE DOT REGULATIONS***

**49 CFR Part 17** - Intergovernmental Review of Department of Transportation Programs and Activities: The training and planning grant may be subject to the internal review process and/or the consultation requirements of Section 204 of the Demonstration Cities and Metropolitan Development Act. There is a single point of contact for each State. The applicant must communicate with the contact point to receive information about its review process requirements and procedures. If the program is subject to Section 204, the applicant must notify areawide metropolitan or regional planning agencies or general government units authorized to govern planning for the locale of the applicant's project or intended application.

**49 CFR Part 18** - Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments: State, local, and Native American tribal governments are required to be familiar with this regulation and to comply with its provisions.

**49 CFR Part 20** - New Restrictions on Lobbying by Recipients of Federal Funds.

**49 CFR Part 21** - Nondiscriminating in Federally Assisted Programs of the Department of Transportation: This rule implements the statutes prohibiting discrimination on the basis of race, color, national origin, and sex. All applicants for DOT assistance are required to be familiar with this rule and comply with this rule and its provisions.

**49 CFR Part 23** - Participation by Minority Business Enterprise in Department of Transportation Programs: If an applicant intends to procure goods and services with grant funds, this rule is applicable.

**49 CFR Part 27** - Nondiscrimination on the Basis of Handicap for Programs and Activities Receiving or Benefiting From Federal Financial Assistance: This rule implements the statutes prohibiting discrimination on the basis of a handicap. All applicants for DOT assistance are required to be familiar with this rule and comply with its provisions.

**49 CFR Part 29** - Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-Free Workplace (Grants): Applicants requesting \$25,000 or more are required to be familiar with the regulation and to submit the certification found on page 105 with their applications. In addition, grantees are required to obtain the certification from subrecipients receiving \$25,000 or more. With regard to drug-free workplace, applicants for DOT assistance must submit the certification form required found on pages 109 and 110. Grantees must meet the requirements specified in this regulation to maintain a drug-free workplace.

**49 CFR Part 90** - Audits of State and Local Governments: Grantees are required to meet the audit requirements set forth in Appendix A of 49 CFR Part 90.

**49 CFR Part 110** - Hazardous Materials Response Public Sector Training and Planning Grants: This regulation provides the organizational structure and procedures for implementing the reimbursable grant program to enhance existing hazardous materials response training and planning program.

These regulations are available on request from DOT at (202) 366-4900. They also should be available in every State's business office. Applicants should contact their business office before calling the DOT number.

**SAMPLE APPLICATION FOR  
FEDERAL ASSISTANCE**

APPLICATION FOR  
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		2. DATE SUBMITTED 3/15/95		Applicant Identifier if applicable	
3. DATE RECEIVED BY STATE		4. DATE RECEIVED BY FEDERAL AGENCY Completed by DOT		State Application Identifier XXXXXXXXXX	
5. APPLICANT INFORMATION		Federal Identifier Completed by DOT			
Legal Name: STATE, TERRITORY			Organizational Unit: DESIGNATED AGENCY		
Address (give city, county, state, and zip code): Street City State Zip Code _____ County _____			Name and telephone number of the person to be contacted on matters involving this application (give area code) Joe Smith ABC-123-4367		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): X X - X X X X X X X			7. TYPE OF APPLICANT: (enter appropriate letter in box) <b>A</b> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____		
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____			9. NAME OF FEDERAL AGENCY: Department of Transportation		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 2 0 7 0 3 TITLE: N/A			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Planning and/or Training activities to support implementation of HMTUSA		
12. AREA(S) AFFECTED BY PROJECT (cities, counties, states, etc.): Entire State, Territory or Tribal Territory			Sample		
13. PROPOSED PROJECT: Start Date: 01/01/93 Ending Date: 12/31/99					
14. CONGRESSIONAL DISTRICTS OF: a. Applicant All			15. IS APPLICANT STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THE APPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 01/04/95 b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
15. ESTIMATED FUNDING: a. Federal \$ 300,000.00 b. Applicant \$ .00 c. State \$ .00 d. Local \$ .00 e. Other In-Kind \$ 75,000.00 f. Program Income \$ .00 g. TOTAL \$ 375,000.00			17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED					
a. Typed Name of Authorized Representative John Q. Quinn			b. Title Director, Designated Agency		c. Telephone number ABC-123-9923
d. Signature of Authorized Representative					e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
Prescribed by OMB Circular A-102

# INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry:   | Item: | Entry:   |
|-------|--|-------|--|
| 1.    | Self-explanatory.  | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).  | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).  | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  | 15.   | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.    | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.   | 16.   | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  | 17.   | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.    | Enter the appropriate letter in the space provided.  | 18.   | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.    | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>— "New" means a new assistance award.<br>— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |       |  |
| 9.    | Name of Federal agency from which assistance is being requested with this application.   |       |  |
| 10.   | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.  |       |  |
| 11.   | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.  |       |  |

SF 424 (REV 4-88) Back

## BUDGET INFORMATION — Non-Construction Programs

### SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Planning	20.703	\$ 4,000	\$ 1,000	\$ 120,000	\$ 30,000	\$ 150,000
2. Training	20.703	8,000	2,000	180,000	45,000	225,000
3.						
4.						
5. TOTALS		\$ 12,000	\$ 3,000	\$ 300,000	\$ 75,000	\$ 375,000

### SECTION B — BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Planning	(2) Training	(3)	(4)	
a. Personnel	\$ 41,000	\$ 112,000		\$	\$ 153,000
b. Fringe Benefits	4,100	11,200			15,300
c. Travel	2,500	20,300			22,800
d. Equipment	1,500	1,500			3,000
e. Supplies	900	1,500			2,400
f. Contractual		41,000			41,000
g. Construction	N/A	N/A			
h. Other	90,000				90,000
i. Total Direct Charges (sum of 6a - 6h)	140,000	187,500			327,500
j. Indirect Charges	10,000	37,500			47,500
k. TOTALS (sum of 6i and 6j)	\$ 150,000	\$ 225,000	\$	\$	\$ 375,000
7. Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. Planning	\$	\$	\$ 30,000	\$	\$ 30,000
9. Training			45,000		45,000
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$ 75,000	\$	\$ 75,000

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	FUTURE FUNDING PERIODS (Year)			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT			
(a) Grant Program	FUTURE FUNDING PERIODS (Year)		
	FY 1996	FY 1997	FY 1998
16.	\$	\$ 240,000	\$ 240,000
17.		360,000	360,000
18.			
19.			
20. TOTALS (sum of lines 16-19)	\$	\$ 600,000	\$ 600,000

SECTION F - OTHER BUDGET INFORMATION (Attach additional sheets if necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks Detail the method to pass-through money or specific costs. For example: Contracts or indirect costs.	

## INSTRUCTIONS FOR THE SF-424A

### General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

### Section A. Budget Summary Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

### Lines 1-4, Columns (c) through (g.)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

### Lines 1-4, Columns (c) through (g.) (continued)

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

### Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

SF 424A (4-88) page 3

## INSTRUCTIONS FOR THE SF-424A (continued)

**Line 7** - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

### Section C. Non-Federal-Resources

**Lines 8-11** - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

**Column (a)** - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

**Column (b)** - Enter the contribution to be made by the applicant.

**Column (c)** - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

**Column (d)** - Enter the amount of cash and in-kind contributions to be made from all other sources.

**Column (e)** - Enter totals of Columns (b), (c), and (d).

**Line 12** - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

### Section D. Forecasted Cash Needs

**Line 13** - Enter the amount of cash needed by quarter from the grantor agency during the first year.

**Line 14** - Enter the amount of cash from all other sources needed by quarter during the first year.

**Line 15** - Enter the totals of amounts on Lines 13 and 14.

### Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

**Lines 16 - 19** - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

**Line 20** - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

### Section F. Other Budget Information

**Line 21** - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

**Line 22** - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Line 23** - Provide any other explanations or comments deemed necessary.



# **APPLICATION FOR FEDERAL ASSISTANCE**

**Note: It is permissible to copy standard Form 424 and other forms in this package.**

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0044

<b>1. TYPE OF SUBMISSION</b> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b>	<b>APPLICANT IDENTIFIER</b>														
<b>5. APPLICANT INFORMATION</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legal Name</b> </td> <td style="width: 50%; vertical-align: top;"> <b>Organizational Unit</b> </td> </tr> <tr> <td style="vertical-align: top;"> <b>Address (give city, county, state, and zip code)</b> </td> <td style="vertical-align: top;"> <b>Name and telephone number of the person to be contacted on matters involving this application ( give area code)</b> </td> </tr> </table>		<b>Legal Name</b>	<b>Organizational Unit</b>	<b>Address (give city, county, state, and zip code)</b>	<b>Name and telephone number of the person to be contacted on matters involving this application ( give area code)</b>	<b>3. DATE RECEIVED BY STATE</b>	<b>STATE APPLICATION IDENTIFIER</b>										
		<b>Legal Name</b>	<b>Organizational Unit</b>														
<b>Address (give city, county, state, and zip code)</b>	<b>Name and telephone number of the person to be contacted on matters involving this application ( give area code)</b>																
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b>  <b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <table style="width: 100%;"> <tr> <td style="width: 50%;"> <b>A. State</b>  <b>B. County</b>  <b>C. Municipal</b>  <b>D. Township</b>  <b>E. Interstate</b>  <b>F. Intermunicipal</b>  <b>G. Special District</b> </td> <td style="width: 50%;"> <b>H. Independent School Dist.</b>  <b>I. State Controlled Institution of Higher Learning</b>  <b>J. Private University</b>  <b>K. Indian Tribe</b>  <b>L. Individual</b>  <b>M. Profit Organization</b>  <b>N. Other (Specify)</b> </td> </tr> </table>		<b>A. State</b> <b>B. County</b> <b>C. Municipal</b> <b>D. Township</b> <b>E. Interstate</b> <b>F. Intermunicipal</b> <b>G. Special District</b>	<b>H. Independent School Dist.</b> <b>I. State Controlled Institution of Higher Learning</b> <b>J. Private University</b> <b>K. Indian Tribe</b> <b>L. Individual</b> <b>M. Profit Organization</b> <b>N. Other (Specify)</b>	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	<b>FEDERAL IDENTIFIER</b>												
		<b>A. State</b> <b>B. County</b> <b>C. Municipal</b> <b>D. Township</b> <b>E. Interstate</b> <b>F. Intermunicipal</b> <b>G. Special District</b>	<b>H. Independent School Dist.</b> <b>I. State Controlled Institution of Higher Learning</b> <b>J. Private University</b> <b>K. Indian Tribe</b> <b>L. Individual</b> <b>M. Profit Organization</b> <b>N. Other (Specify)</b>														
<b>8. TYPE OF APPLICATION</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es). <input type="checkbox"/> <input type="checkbox"/> <table style="width: 100%;"> <tr> <td style="width: 50%;"> <b>A. Increase Award</b>  <b>B. Decrease Award</b> </td> <td style="width: 50%;"> <b>C. Increase Duration</b>  <b>D. Decrease Duration</b> </td> </tr> </table>		<b>A. Increase Award</b> <b>B. Decrease Award</b>	<b>C. Increase Duration</b> <b>D. Decrease Duration</b>	<b>9. NAME OF FEDERAL AGENCY:</b> <p style="text-align: center;">U.S. Department of Transportation</p>													
<b>A. Increase Award</b> <b>B. Decrease Award</b>	<b>C. Increase Duration</b> <b>D. Decrease Duration</b>																
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER</b> <p style="text-align: center;">Hazardous Materials Emergency Preparedness, Planning and Training</p>		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> <p style="text-align: center;">Hazardous Materials Emergency Preparedness, Planning and Training</p>															
<b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.)</b>		<b>13. PROPOSED PROJECT</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><b>Start Date</b></td> <td style="width: 15%;"><b>End Date</b></td> <td style="width: 40%;"><b>Applicant</b></td> <td style="width: 30%;"><b>District</b></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		<b>Start Date</b>	<b>End Date</b>	<b>Applicant</b>	<b>District</b>										
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<b>Start Date</b>	<b>End Date</b>	<b>Applicant</b>	<b>District</b>														
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<b>a. Federal</b>																	
<b>b. Applicant</b>																	
<b>c. State</b>																	
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<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THE APPLICATION/PRE-APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCE IF THE ASSISTANCE IS AWARDED.</b>																	
<b>a. Typed Name of Authorized Representative</b>		<b>b. Title</b>	<b>c. Telephone Number</b>														
<b>d. Signature of Authorized Representative</b>		<b>e. Date Signed</b>															

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
Prescribed by OMB Circular A-102

## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item:   | Entry:  |
|---|---|
| <ol style="list-style-type: none"> <li>1. Self-explanatory.</li> <li>2. Date application submitted to Federal agency (or State if applicable) &amp; applicant's control number (if applicable).</li> <li>3. State use only (if applicable).</li> <li>4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.</li> <li>5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.</li> <li>6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.</li> <li>7. Enter the appropriate letter in the space provided.</li> <li>8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:                             <ul style="list-style-type: none"> <li>— "New" means a new assistance award.</li> <li>— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.</li> <li>— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.</li> </ul> </li> <li>9. Name of Federal agency from which assistance is being requested with this application.</li> <li>10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.</li> <li>11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.</li> </ol> | <ol style="list-style-type: none"> <li>12. List only the largest political entities affected (e.g., State, counties, cities).</li> <li>13. Self-explanatory.</li> <li>14. List the applicant's Congressional District and any District(s) affected by the program or project.</li> <li>15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.</li> <li>16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.</li> <li>17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.</li> <li>18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)</li> </ol> |

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## BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Planning		\$	\$	\$	\$	\$
2. Training						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

## SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Planning	(2) Training	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other (Passthrough)					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

Standard Form 424A (4-88)

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. Planning	\$	\$	\$	\$	
9. Training					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	

SECTION D - FORECASTED CASH NEEDS				
Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$
14. NonFederal				
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	02 Budget Period	03 Budget Period	04 Budget Period	05 Budget Period	06 Budget Period
16. Planning	\$	\$	\$	\$	\$
17. Training					
18.					
19.					
20. TOTALS (sum of lines 16 - 19)	\$	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

## INSTRUCTIONS FOR THE SF-424A

### General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

### Section A. Budget Summary Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

### Lines 1-4, Columns (c) through (g.)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

### Lines 1-4, Columns (c) through (g.) (continued)

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

### Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

## INSTRUCTIONS FOR THE SF-424A (continued)

**Line 7** – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

### Section C. Non-Federal Resources

**Lines 8-11** – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

**Column (a)** – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

**Column (b)** – Enter the contribution to be made by the applicant.

**Column (c)** – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

**Column (d)** – Enter the amount of cash and in-kind contributions to be made from all other sources.

**Column (e)** – Enter totals of Columns (b), (c), and (d).

**Line 12** – Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

### Section D. Forecasted Cash Needs

**Line 13** – Enter the amount of cash needed by quarter from the grantor agency during the first year.

**Line 14** – Enter the amount of cash from all other sources needed by quarter during the first year.

**Line 15** – Enter the totals of amounts on Lines 13 and 14.

### Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

**Lines 16 - 19** – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

**Line 20** – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

### Section F. Other Budget Information

**Line 21** – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

**Line 22** – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Line 23** – Provide any other explanations or comments deemed necessary.

## **PROGRAMMATIC CERTIFICATIONS**

***The following certifications are  
required as a condition of  
eligibility for grant award.***



### **ACTIONS REQUIRED OF RECIPIENTS OF HMEP PLANNING GRANTS**

The Federal Hazardous Material Transportation Law specifies that the Secretary of Transportation cannot allow the award of planning grants unless the State or Territory receiving such grant has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities, agrees to make available grant funds to Local Emergency Planning Committees (LEPCs), and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). To clarify and expedite the assurances, the following has been presented for applicants' consideration. For an applicant to be deemed an "eligible applicant," the following assurance(s) must be signed by the duly authorized representative of the applicant's governing body.

1. I certify that the aggregate expenditure of funds of the State or Territory, exclusive of Federal funds, for developing, improving, and implementing emergency plans under EPCRA will be maintained at a level that does not fall below the average level of such expenditures for the 2 fiscal years preceding the grant project.
2. I certify that the State or Territory is complying with Sections 301 and 303 of EPCRA.
3. I agree that the State or Territory will make available not less than 75 percent of the funds granted to the State or Territory to LEPCs established pursuant to Section 301(C) of EPCRA by the State Emergency Response Commission.

Typed Name of Authorized Representative	Title	Telephone #
Signature of Authorized Representative	Date	

### **ACTIONS REQUIRED OF RECIPIENTS OF HMEP TRAINING GRANTS**

The Federal Hazardous Material Transportation Law specifies that the Secretary of Transportation cannot allow the award of training grants unless the State or Territory, receiving such grants has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities; agrees to make available grant funds to Local Emergency Planning Committees (LEPCs); and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). To clarify and expedite the assurances, the following assurance must be signed by the duly authorized representative of the applicant's governing body.

1. I certify that the aggregate expenditure of funds of the State or Territory, exclusive of Federal funds, for training public sector employees to respond to accidents and incidents involving hazardous materials under EPCRA will be maintained at a level that does not fall below the average level of such expenditures for the 2 fiscal years preceding the grant project.
2. I certify that the State or Territory is complying with Sections 301 and 303 of EPCRA.
3. I agree that the State or Territory will make available not less than 75 percent of the funds granted to the State or Territory for the purpose of training public sector employees employed or used by the political subdivisions.

Typed Name of Authorized Representative	Title	Telephone #
Signature of Authorized Representative	Date	

## **ADMINISTRATIVE CERTIFICATIONS**

- Assurances--Non Construction Programs
- Debarment and Suspension Certification
- Drug-Free Workplace Certification
- Disclosure of Lobbying Activities
- Assurance of Compliance With Title VI of the Civil Rights Act of 1964

**ASSURANCES –  
NON-CONSTRUCTION PROGRAMS**

**ASSURANCES — NON-CONSTRUCTION PROGRAMS**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

**As the duly authorized representative of the applicant I certify that the applicant:**

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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Prescribed by OMB Circular A-102

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE
APPLICANT ORGANIZATION		DATE SUBMITTED

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**DEBARMENT AND SUSPENSION  
CERTIFICATION**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; or violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a 3-year period preceding this application or proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

\_\_\_\_\_  
Type Name and Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Or, alternatively, state:

\_\_\_\_\_  
I am unable to certify to the above statement. My explanation is attached.



## **DRUG-FREE WORKPLACE CERTIFICATION**

## ***CERTIFICATION--DRUG FREE WORKPLACE ACT OF 1988***

The recipient certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about:
  - 1. The dangers of drug abuse in the workplace;
  - 2. The recipient's policy of maintaining a drug-free workplace;
  - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
  - 4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the project be given a copy of the statement required by paragraph (a);
- (d) Notifying each employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee must:
  - 1. Abide by the terms of the statement; and
  - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
- (e) Notifying the Award Official within 10 days after receiving notice under subparagraph (d)2 from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)2, with respect to any employee who is so convicted:
  - 1. Appropriate personnel action against such an employee, up to and including termination; or
  - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

**The recipient shall insert in the space provided below the site(s) for the performance of work done in conjunction with the specific award.**

**Place of Performance (street address, city, county, state, zip code)**

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Date 

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(Recipient)

by 

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(Signature of Authorized Official)

## **DISCLOSURE OF LOBBYING ACTIVITIES**

**U.S. DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS  
TRAINING AND PLANNING GRANTS  
CERTIFICATION OF COMPLIANCE WITH GOVERNMENT-WIDE  
GUIDANCE ON LOBBYING RESTRICTIONS  
(31 U.S.C. 1352)**

The \_\_\_\_\_  
(Grant Recipient) \_\_\_\_\_ (Grant Number)

certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Grant Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee or a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Grant Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Grant Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

\_\_\_\_\_  
(Certifying Official) \_\_\_\_\_ (Date)

\_\_\_\_\_  
(Title)

**ASSURANCE OF COMPLIANCE WITH  
TITLE VI OF THE CIVIL RIGHTS ACT  
OF 1964**

## **APPENDIX A**

### **ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

#### **DEPARTMENT OF TRANSPORTATION**

The State/Territory/Native American Tribe of \_\_\_\_\_  
(hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the project:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix B of this assurance in every contract subject to the Act and the Regulations.

4. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project.
5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
6. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Department of Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipients.

DATE \_\_\_\_\_

\_\_\_\_\_  
(Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)



## **APPENDIX B**

### **ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

#### **DEPARTMENT OF TRANSPORTATION**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State/Territory/Native American Tribe \_\_\_\_\_ or the Research and Special Programs Administration (RSPA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State/Territory/Native American Tribe of \_\_\_\_\_ or the Research and Special Programs Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the State/Territory/Native American Tribe of \_\_\_\_\_ shall impose contract sanctions as it or the Research and Special Programs Administration may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies; and/or
- (b) cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurements as the State/Territory/Native American Tribe of \_\_\_\_\_ or the Research and Special Programs Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the contractor may request the State/Territory/Native American Tribe of \_\_\_\_\_ to enter into such litigation to protect the interests of the State/Territory/Native American Tribe of \_\_\_\_\_, and, in addition the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX C**

### **ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

#### **DEPARTMENT OF TRANSPORTATION**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the State/Territory/Native American Tribe of \_\_\_\_\_.

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this [deed, license, lease, permit, etc.] for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the [grantee, licensee, lessee, permittee, etc.] shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of the above nondiscrimination covenants, State/Territory/Native American Tribe of \_\_\_\_\_ shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, State/Territory/Native American Tribe of \_\_\_\_\_ shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of State/Territory/Native American Tribe of \_\_\_\_\_ and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by State/Territory/Native American Tribe of \_\_\_\_\_.

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the [grantee,

licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, State/Territory/Native American Tribe \_\_\_\_\_ shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, State/Territory/Native American Tribe \_\_\_\_\_ shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of State/Territory/Native American Tribe \_\_\_\_\_ and its assigns.

- \* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**RETURN MAILING ADDRESS**

**PLEASE MAIL THE ORIGINAL AND ONE COPY OF THE  
COMPLETE APPLICATION PACKAGE TO:**

**HMEP GRANTS MANAGER  
U.S. DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
400 SEVENTH STREET, S.W., DHM-64, ROOM 8104  
WASHINGTON, DC 20590-0001**